

SLAVE AND COOLIE TRADE.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

Information in regard to the Slave and Coolie trade.

MAY 19, 1856.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

To the House of Representatives :

In compliance with a resolution of the House of Representatives of the 7th ultimo, requesting the President “to communicate what information he may possess in regard to citizens of the United being engaged in the slave trade, or in the transportation in American ships, of coolies from China to Cuba, and other countries, with the intention of placing or continuing them in a state of slavery or servitude, and whether such traffic is not, in his opinion, a violation of the spirit of existing treaties, rendering those engaged in it liable to indictment for piracy; and especially that he be requested to communicate to this House the facts and circumstances attending the shipment from China of some five hundred coolies in the ship “Sea Witch,” of the city of New York, lately wrecked on the coast of Cuba,” I transmit the accompanying report of the Secretary of State.

FRANKLIN PIERCE.

WASHINGTON, May 19, 1856.

DEPARTMENT OF STATE,
Washington, May 16, 1856.

The Secretary of State, to whom was referred a resolution of the House of Representatives of the 7th ultimo, requesting the President “to communicate what information he may possess in regard to citizens of the United States being engaged in the slave trade, or in the transportation in American ships of coolies from China to Cuba, and other countries, with the intention of placing or continuing them in a state of slavery or servitude, and whether such traffic is not, in his opinion, a violation of the spirit of existing treaties, rendering those

engaged in it liable to indictment for piracy ; and especially that he be requested to communicate to this House the facts and circumstances attending the shipment from China of some five hundred coolies in the ship 'Sea Witch,' of the city of New York, lately wrecked on the coast of Cuba," has the honor to lay before the President the papers mentioned in the subjoined list.

All of which is respectfully submitted.

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

List of accompanying papers.

Sir H. L. Bulwer to Mr. Webster, (with accompaniments,) December 30, 1850.

Mr. Crampton to Mr. Derrick, August 17, 1851.

Mr. Derrick to Mr. Crampton, (with an accompaniment,) August 20, 1851.

Mr. Crampton to Mr. Webster, December 9, 1851.

Same to same, (with accompaniments,) January 2, 1852.

Mr. Webster to Mr. Crampton, January 14, 1852.

Same to same, (with accompaniments,) August 18, 1852.

Mr. Crampton to Mr. Marcy, (with accompaniments,) March 16, 1853.

Same to same, April 19, 1853.

Same to same, (with an accompaniment,) May 30, 1853.

Mr. Marcy to Mr. Crampton, May 31, 1853.

Same to same, June 3, 1853.

Mr. Crampton to Mr. Marcy, (with accompaniments,) July 1, 1853.

Same to same, (with accompaniments) August 19, 1853.

Mr. Marcy to Mr. Crampton, August 29, 1853.

Mr. Crampton to Mr. Marcy, February 16, 1854.

Same to same, May 27, 1854.

Mr. Marcy to Mr. Crampton, June 28, 1854.

Mr. Crampton to Mr. Marcy, (with accompaniments,) June 26, 1854.

Same to same, (with accompaniments,) September 12, 1854.

Mr. Marcy to Mr. Crampton, September 13, 1854.

Mr. Crampton to Mr. Marcy, (with an accompaniment,) October 20, 1854.

Mr. Marcy to Mr. Crampton, October 25, 1854.

Mr. Crampton to Mr. Marcy, (with accompaniments,) December 1854.

Mr. Marcy to Mr. Crampton, December 8, 1854.

Mr. Crampton to Mr. Marcy, (with an accompaniment,) April 1856.

Mr. Marcy to Mr. Crampton, April 9, 1856.

Mr. Kent to Mr. Webster, April 10, 1852.

Same to Mr. Everett, January 22, 1853.

Mr. Savage to Mr. Marcy, (with accompaniments,) September 1854. Extract.

- Same to same, (with an accompaniment,) September 27, 1854.
 Mr. Robertson to Mr. Marcy, October 7, 1854.
 Same to same, (with accompaniments,) October 22, 1854.
 Same to same, November 11, 1854. Extract.
 Mr. Gibbs to Mr. Robertson, November 17, 1854. Extract.
 Mr. Hyatt to Mr. Marcy, May 1, 1855. Extract.
 Mr. Robertson to same, July 23, 1855. Extract.
 Same to same, (with accompaniments,) July 27, 1855.
 Mr. Palmer to Mr. Marcy, November 9, 1855.
 Same to same, December 6, 1855.
 Mr. Parker to Mr. Marcy, (with accompaniments,) February 12, 1856. Extracts.
 Mr. Trousdale to Mr. Marcy, (with accompaniments,) February 13, 1856. Extract.
 Mr. Robertson to Mr. Marcy, (with accompaniments,) April 5, 1856.
 Same to same, July 7, 1854. Extract.
 Same to same, July 20, 1854. Extract.
 Mr. Savage to Mr. Marcy, August 28, 1854. Extract.
 Same to same, September 6, 1854.
 Same to same, (with accompaniments,) September 7, 1854.
 Same to same, September 11, 1854.
 Mr. Parker to Mr. Webster, January 27, 1852. Extract.
 Same to same, March 27, 1852.
 Same to same, (with accompaniments,) May 21, 1852. Extract.
 Same to same, (with accompaniments,) June 19, 1852. Extract.
 Same to same, (with accompaniments,) July 20, 1852. Extracts.
 Mr. Parker to Mr. Webster, (with accompaniments,) August 19, 1852. Extract.
 Mr. Marshall to Mr. Everett, (with accompaniments,) March 8, 1853. Extract.
 Mr. McLane to Mr. Marcy, March 20, 1854. Extract.
 Mr. Parker to Mr. Marcy, (with an accompaniment,) January 14, 1856. Extract.
 Mr. Gilmer to Mr. Marcy, February 1, 1856.
 Same to same, February 12, 1856.

Sir H. L. Bulwer to Mr. Webster.

BRITISH LEGATION,

Washington, December 31, 1850.

SIR: I communicated to you recently, in conversation, the contents of the enclosed copies of a correspondence between Captain Hastings, senior officer in command of the southern division of her Majesty's naval forces on the west coast of the African station, and Commodore Fanshawe, on the subject of the course to be pursued by them, in order to maintain cordial and friendly co-operation between the officers of the British and United States navies respectively engaged in the suppression of the slave trade; and I stated that her Majesty's government derived the sincerest gratification from the proofs which

this correspondence affords, both of the efficiency of the steps taken by the United States government to prevent the abuse of the United States flag, for purposes of slave trade, and of the cordiality with which the United States naval officers, in pursuance of their orders co-operate with the officers of her Majesty.

I also observed, with regard to the questions started by Commander Powell, of the United States vessel-of-war "John Adams," referred to in Captain Hastings' dispatch of the 17th of April, (here enclosed to his commander-in-chief, that her Majesty's government was desirous of coming to an understanding with the United States government, in order that identical instructions may be given on these points to the naval officers of the two governments.

I deem it best, however, in order that the matter should not, amidst the numerous affairs which call for your attention, be forgotten, to state in writing that her Majesty's government consider it a general and acknowledged principle of international law, that the nationality of a vessel must be determined, not by the flag which may be hoisted from time to time at her masthead, but by the papers which prove her ownership; and upon this, issued those instructions to which Commander Fanshawe refers, for the guidance of her Majesty's naval officers engaged in the suppression of the slave trade, ordering such officers to board any suspected vessel and to require the production of her papers, whence arise the questions mooted by the commander of the United States cruiser "John Adams."

It appears to her Majesty's government that the proper course to be pursued would be that, if a vessel so boarded should produce American papers, and the master should persist in asserting her American character, and if, nevertheless, there should be grounds either for suspecting her to be engaged in slave trade, or for supposing her papers to be false, the vessel should be delivered over to the nearest United States naval officers. But, if the master should disclaim American nationality, or if the United States officer should, on examining the papers, find them to be false, then, and in either of those cases the vessel should remain in, or be given back to the charge of the British officer, to be dealt with by British courts according to the real character of the vessel.

This proposed arrangement is founded on the presumption that the courts of the United States could not deal with a vessel detained for slave trade unless she was United States property. And that if a slaver were to be sent for trial to the United States, and it should appear on trial that she was not an United States vessel, the court would acquit her for want of competence in the case.

I may mention that a copy of the instructions above referred to, issued by the admiralty, was transmitted to your department from this legation on the 6th of September, 1844.

I shall be happy, at your earliest convenience, to hear your opinion with respect to the proposed arrangement.

I avail myself of this occasion to renew to you the assurances of my highest consideration.

H. L. BULWER.

No. 151.

[Enclosure.]

CENTAUR, ASCENSION, *May 17, 1850.*

SIR: With reference to the documents I have transmitted in my letter No. 149, of the 11th instant, I have to request you will be pleased also to lay before the lords commissioners of the admiralty the enclosed copies of a letter which I have received from the Hon. Captain Hastings, of her Majesty's steamship "Cyclops," senior officer of her Majesty's ships of the south division, seeking additional instructions from me with regard to the co-operation between our cruisers and those of the United States, in consequence of some proposals from the commander of the United States corvette "John Adams," and of my reply thereto. I shall be glad to receive their lordships' opinions of the views I have expressed, and which I hope will meet their approbation.

I have, &c.,

ARTHUR FANSHAWE,
Commodore.

To the SECRETARY OF THE ADMIRALY.

[Enclosure.]

*Captain Hastings to Commodore Fanshawe.*CYCLOPS, OFF AMBUZ, *April 17, 1850.*

SIR: I consider it my duty to bring under your notice a conversation which I had the honor of holding with Commander Levin M. Powell, commanding the United States ship-of-war "John Adams," relative to the recent captures which have been made by some of the cruisers under your orders on the southwest coast of Africa of Brazilian vessels, who have attempted to evade search by presenting false American papers and hoisting American colors on meeting a British cruiser.

Commander Powell began by stating to me that he was not desirous, in this conversation, of referring to past captures, but that now an American vessel-of-war was stationed on the southwest coast of Africa, he desired to make some arrangement or have some agreement between the respective cruisers on all further occasions of our meeting vessels bearing the emblem of our respective countries, but producing, in the individual boarding captain's opinion, no just right to wear it, and he would suggest that for the future, should a vessel be boarded by any of our cruisers presenting, in our opinions, false American colors, and that on our doubting the nationality of the vessel, and informing the master that our duty was, doubting his nationality, to send him to an American officer for further scrutiny, that should the said master, (should the vessel be an illegal trader,

and employed in the slave trade, or fitted to be so employed,) for fear of the consequences, (the law of the United States inflicting death on any of its subjects convicted of being engaged in the slave trade,) destroy the fraudulent American papers, and immediately present Brazilian ones, and direct a Brazilian ensign to be hoisted, that we the British officers, should not seize such vessel as a Brazilian slaver, although we see she is fully equipped for the slave trade, and is delivered over to us as Brazilian, but that we ought to detain such vessel on the grounds that false papers were first presented to us to evade search, and either give such vessel up to the American cruiser, if present on the coast, if not, to be sent to an American port for adjudication.

As I hold no instructions for my guidance in cases arising such I have had the honor of presenting you, I have respectfully to call upon you for your orders for my future guidance; and to place the subject before you in all its points of difficulty and doubt, I would beg to submit the following case, which is likely to arise at the present moment, viz:

Two ships-of-war, cruising together for the suppression of the slave trade, namely, one an American and the other an English cruiser, observe a strange vessel, chase is given by both cruisers, and on nearing her, before the stranger has ascertained the nationality of the ships in chase of her, she hoists an American ensign, but on closing each other the stranger discovers that the vessels chasing are the one an American the other an English cruiser. We will suppose that, similar to our late captures, the stranger is fully equipped for the slave trade with Brazilians on board; the master, or owner of the vessel, knowing that if seized by the American cruiser, and on examination be found by the American officer illegally fitted or full of slaves, the laws of the United States condemn himself and crew to death; but should the stranger change in the chase (after learning the nationality of the vessels pursuing him) his colors to Brazilian, and on the English cruiser reaching him, deliver his vessel up as a fully equipped Brazilian in the slave trade, or with slaves on board, I would ask for your instructions as to my guidance on this, apparently to me, most important subject, as in Commander Powell's views, the vessel should be delivered up to the American officer, because, without any proof against her, she first displayed the American ensign in our presence. I would observe, also, to add to our difficulties, many of these illegal vessels have two sets of papers, fraudulent American and Brazilian, to be used as occasions may arise for them.

I can confidently add, from my knowledge of many facts concerning our recent captures, which I have learned from different parties, that these vessels left a port in the Brazils, as Brazilian vessels, owned by Brazilian subjects, and that no American will be found who can claim to any of them as his property.

It is true that we have, at the present moment, two cruisers of the United States co-operating with our vessels on this coast, for the suppression of the slave trade, but in consequence of their depôt for provisions being so distant, their period of remaining here does not exceed two months, and perhaps another two years may elapse before a

other vessel of that nation appears again here; their presence will check the abuse of the United States flag by vessels not entitled to wear them, and it is to be regretted that the American cruisers were not sent here long before.

GEORGE F. HASTINGS, *Captain*.

[Enclosure.]

Commodore Fanshawe, British Navy, to Captain Hastings, British Navy.

CENTAUR, AT ASCENSION, *May 15, 1850.*

SIR: I have to acknowledge the receipt of your letters from the 8th to the 22d April, transmitting to me a correspondence, and reporting to me verbal communications which had taken place between yourself and the commanders of the United States ships-of-war "John Adams" and "Perry," with various documents on the subject of the captures which had been made during the few preceding months by her Majesty's cruisers, under your orders, of vessels which had fraudulently assumed the American flag, and also of complaints of the masters of the legal traders "Catherine" and "Louisa Beaton," respecting the manner in which they had been visited by the officers of our ships on the south coast, and, in consequence, seeking from me fresh instructions for your guidance, with respect to your co-operation with the cruisers of the United States, in the event of the recurrence of your meeting Brazilian vessels attempting to evade search by hoisting American colors and presenting false American papers, and on the points spoken of by Commander Powell, of the "John Adams." Before proceeding to reply to you on those matters, I must express the gratification I have experienced in perceiving the cordial and conciliatory spirit which pervades the whole of the communications between yourself and the American officers, as creditable to yourselves in the performance of the service with which you are entrusted, as it is in strict conformity with the wishes and directions of your respective governments. I entirely approve of the full and proper explanations which you have furnished Commander Powell, and I hope, being reported by him to his commander-in-chief and government, they will prove to them the extreme desire of her Majesty's officers, under my orders, in carrying out the difficult and delicate duties which they have had to perform, to act in the spirit of their instructions respecting the slave trade, with every courtesy and forbearance in communicating with American merchant vessels. If, on the one hand, some of such vessels may have been subjected to annoyance by such visits, others have received essential assistance; and it strikes me that persons have been found ready, on the reappearance of the United States ships-of-war on the south coast, to report to their officers the one case and to withhold the other, with a view of instilling a prejudice in their minds against the proceedings of the British officers in their endeavors to suppress the African slave trade.

Her Majesty's government was informed by me, by the earliest opportunity, of every particular respecting the captures alluded to, and the whole of the documents which you have now transmitted to me will be forwarded to the secretary of the admiralty by the next mail. And should their lordships see cause, arising out of them, to issue fresh instructions for my guidance, I shall, no doubt, be furnished with them quickly. I observe, also, that the subject of the abuse of the American flag by "sea letters" from Rio Janeiro, and the sale of American vessels there and on the African coast for the purpose of slave trade, which has been the occasion of these captures, has been introduced by the President of the United States in his message to Congress, and that they are invited by him to consider the means of preventing it. Both governments and legislatures are therefore likely to discuss the matters. In the meantime, the 4th, 6th, and 8th sections of the instructions under which I and the officers under my orders on the coast of Africa act, appear to me to embrace every point respecting our co-operation with American cruisers, and the visit or search of any vessel, be she a legal or an illegal trader, and I cannot authorize a departure from them in any shape; you must neither stop short, and thus permit the escape of the illegal slave trader, nor must you exceed, and thus give offence to the legal trader of a friendly power. Some passages in the letters of Commander Powell and Lieutenant Foote to you bear closely upon the question you have stated as likely to occur, asking for my instructions, for example: "The flag is no conclusive proof of nationality; it loses its true character when worn by those who have no right to wear it." I answer it. A vessel, during a chase or visit by one of our cruisers, changes her flag for any purpose, but eventually hoists the Brazilian flag, is declared to be Brazilian property, and appears on examination, whether with Brazilian or "no papers," to be *fitted* for the *slave trade*, the undoubted duty of the commander is to detain and send her to a British admiralty court for adjudication. *Two* sets of papers may be considered a proof of illegal traffic; our instructions say, and Commander Powell repeats, "that the government of the United States are far from claiming that the flag of the Union should give immunity to those who have '*no right*' to bear it." In boarding, therefore, a vessel about whose nationality a suspicion has arisen, and it turns out, notwithstanding her colors, to be *well founded*, you must deal with her as the instructions, page 17, require you to do, had she not shown a false flag; but, on *all* occasions of *joint* chase, where circumstances render it practicable, let the visit of a vessel which has shown the American color be *made first* by the officer of the United States cruiser, or should circumstances render it necessary that the visit should be first made by one of our officers, and a doubt be entertained by him of the legality of the vessel's colors, take her without loss of time to the senior United States officer in company, and, whilst the American flag is flying on board her, let him decide upon the just right of the vessel to wear it; beyond that we have nothing to do, (*i. e.*,) although she be full of slaves, but *bona fide* the property of an American citizen, with correct American papers, we have no right, we claim no right, to detain her; but we do protest against the flag of the Union

being used as a mere "emblem," and degraded by illegally covering the cruel and unchristian practices of the Brazilian slave dealer. All that is sought may be obtained without any mark of disrespect to the flag of the United States, without the slightest injury to an American citizen. It is sought only with the desire of suppressing the African slave trade, the chief object for which the united forces of our respective countries are employed on the west coast of Africa.

The co-operation of our ships (which I may say had unfortunately been interrupted on the south coast) being re-established with that object, and conducted in the same friendly and conciliatory spirit, as it has been commenced by yourself and colleagues, I feel assured will tend very much to check if not suppress the traffic in slaves, and I hope cement the present friendly alliance of our countries, and strengthen the good understanding which our governments are so desirous to maintain.

This letter will, I hope, relieve you from any doubt or embarrassment; you are at liberty, should it appear to be desirable, to read it to the American officer acting with you, and you will make it known to the commanders of your division as opportunities offer, enjoining them to the continued strict observance of their instructions in not unnecessarily visiting the American legal trader, to abstain from doing so in the presence of a United States vessel-of-war, and to give the commanders every information in their possession relative to the slave trade or any abuse of the American flag.

I am, &c.,

ARTHUR FANSHAWE, *Commodore.*

Mr. Crampton to Mr. Derrick.

WASHINGTON, *August 17, 1851.*

SIR: In a report which her Majesty's government have recently received from Rear Admiral Fanshawe, on the state of legal commerce and of slave trade on the west coast of Africa during the last year of his command, that officer has reported that the slave trade has for the present almost entirely ceased; and he attributes this state of things, first, to the success which has attended the operations of her Majesty's cruisers; secondly, to the repressive measures adopted by the government of Brazil; and, lastly, to the cordial co-operation of the cruisers of the United States and France; and the rear admiral has expressed the high gratification which he has experienced at the very cordial and good understanding which has existed between himself and the American and French commanders.

I am, consequently, instructed by her Majesty's government to express to the government of the United States, on the part of the lords commissioners of the admiralty, the pleasure which their lordships feel at the cordial co-operation and friendly feeling which has existed between the commanders of the American and English squadrons, while carrying on those operations which have so eminently con-

tributed to the attainment of an object which both governments have so much at heart.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

W. S. DERRICK, Esq., &c., &c., &c.

Mr. Derrick to Mr. Crampton.

DEPARTMENT OF STATE,
Washington, August 20, 1851.

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant, in which, adverting to a communication recently received by her Britannic Majesty's government from Rear Admiral Fanshawe on the state of legal commerce and of the slave trade on the western coast of Africa, during the last year of his command, wherein that officer has reported that the slave trade has for the present almost entirely ceased, and has given the causes to which he attributes this state of things—you express on the part of the lords commissioners of the British admiralty the pleasure which their lordships feel at the co-operation and friendly feeling which has existed between the commander of the British and American squadrons on that station, while carrying on operations for the suppression of the slave trade. I will take an early occasion, upon the return of the President to the seat of government, to lay your note before him, and, in the meanwhile, beg you to be assured of the satisfaction which this department has derived from the information conveyed to it in that communication.

Allow me to renew to you, sir, the assurance of my distinguished consideration.

W. S. DERRICK,
Acting Secretary.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

DEPARTMENT OF STATE,
Washington, December 11, 1855.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, calling my attention to some suggestions which are offered with a view to their adoption by this government for the more effectual prevention of the African slave trade, and to state to you in reply that they will be taken into respectful consideration.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

DANIEL WEBSTER.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Crampton to Mr. Webster.

BRITISH LEGATION,
Washington, December 9, 1851.

SIR: I have been instructed by her Majesty's government to request your attention to the following suggestions, with a view to their adoption by the government of the United States, for the more effectual prevention of the African slave trade:

One of the plans which has been adopted of late years by the slave traders on the west coast of Africa, in order to evade the treaties and laws against slave trade, has been to make real or fictitious purchases of vessels which have cleared out from the ports of Brazil for the coast of Africa, duly provided with regular French, Sardinian, or United States papers.

It appears that these vessels clear out from Brazil, retaining their American papers, and that they keep those papers for production to any ship which may ask to see them up to the time when all the preparations have been made for the shipment of a cargo of slaves; but as soon as such a cargo is shipped, those papers are destroyed and the vessels sail for Brazil without any documents to prove any nationality.

The advantage which the slave dealers derive from this use of the United States flag and of United States vessels is obvious, because the government of the United States not having granted to any other country the right of searching and seizing United States vessels engaged in slave trade, such vessels are safe from search or capture by any British cruiser during the whole time that they are lying off the coast waiting for a cargo of slaves; and during that time, if they were liable to be searched, their equipments would afford sufficient grounds for detention and condemnation.

But when a favorable opportunity for shipping their cargo of slaves has arrived, and no British cruiser is in sight, they take their cargo of negroes on board, destroy their American papers, and make a run for Brazil without any national character; so that, on their arrival on the coast of Brazil with their slaves, they are secured against the vigilance of the United States consular officers.

A great check might be given to frauds of this kind if the consuls of the United States in Brazil were ordered not to consent to any contingent sale of an American vessel, but to require that, whenever any such vessel is sold in Brazil to any person not an American, the papers indicating the American nationality of the vessel should be given up to the United States consul. If this could be done, no vessel would sail for the coast of Africa from Brazil, for purposes of slave trade, under the protection of the flag of the United States, but owned by a person not being an United States citizen.

A further means of preventing the fraudulent sale of vessels on the coast of Africa might be afforded to the consuls of the United States in Brazil if those consuls were authorized to require that the masters and consignees of vessels under the United States flag, clearing out from ports of Brazil for the coast of Africa, should give security, un-

der bond, that their vessels should not be engaged in slave trade during the intended voyage, such bond to be forfeited if the vessels should be so illegally employed.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. DANIEL WEBSTER, &c., &c., &c.

Mr. Crampton to Mr. Webster.

BRITISH LEGATION,
Washington, January 2, 1852.

SIR: I am instructed by her Majesty's government to bring to the knowledge of the government of the United States a system, to the existence of which the attention of her Majesty's government has been called by her Majesty's consuls in the ports of Norfolk and New York. I mean that of decoying negro lads for the purpose of selling them into slavery in the United States, which appears to have been for some time practised by passengers in United States' vessels touching at Jamaica.

I herewith enclose an extract of a dispatch which has been addressed to her Majesty's legation in regard to a case of this sort, by her Majesty's consul at Norfolk, together with a correspondence which has taken place between himself and the mayor of that place, relating thereto.

Her Majesty's consul was directed by me to resort to every means which the laws of the United States afford for bringing to justice any persons who may be found committing such an offence, and similar instructions have been addressed to her Majesty's consuls in other ports. I am directed to say that her Majesty's government feel confident that the government of the United States will instruct their authorities to take every legal means of checking such criminal proceedings and of bringing to justice any offenders in the United States who may be concerned in them.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Extract of a dispatch from her Britannic Majesty's consul, at Norfolk, to her Britannic Majesty's chargé d'affaires, at Washington.

"I further request you will be pleased to permit me to take such measures as I may deem most judicious for the recovery of certain colored persons who were landed at this port on the 18th ultimo, from the American steamer 'Illinois,' Lieutenant Hartstene, United States

navy, master, last from the Island of Jamaica, who were, as I am informed by Mr. Consul Barclay, of New York, British subjects, and supposed to have been brought into this country to be sold as slaves. I have ascertained that there were several colored people landed here from that steamer, but, as in the preceding case, no entries or declarations were made at the custom-house as required for that purpose. In proof of the illegality of the proceedings, I herewith have the honor to enclose for your inspection, my official note upon the matter to Mr. Stubbs, mayor of this city, and of his reply thereto."

Her Britannic Majesty's consul, at Norfolk, to Mr. Stubbs.

BRITISH CONSULATE, STATE OF VIRGINIA,
Norfolk, October 3, 1851.

Mr. F. Waring, her Britannic Majesty's consul, presents his compliments to Mr. Simon Stubbs, and will feel much obliged by his furnishing Mr. Waring with the name of the person who brought seven colored boys into this city, by the American steamer "Illinois," Lieutenant Hartstene, United States navy, master, on the 18th ultimo, to whom he was pleased to grant a certificate, as mayor of this city, to allow the seven colored boys under that person's charge to pass from this place, per steamer, for the city of Baltimore, Maryland.

SIMON S. STUBBS, Esq.

Mr. Stubbs to Mr. Waring.

MAYOR'S OFFICE, NORFOLK,
October 6, 1851.

The mayor of Norfolk has the pleasure of acknowledging the receipt of Mr. Waring's letter of the 3d instant, in which he requests the "mayor to inform him the name of the person who brought seven colored boys into this city, by the American steamer 'Illinois,' Lieutenant Hartstene, United States navy, master, on the 18th ultimo, whom the mayor of Norfolk was pleased to grant a certificate to allow the seven colored boys under that person's charge to pass from this place, per steamer, for the city of Baltimore, Maryland."

As the mayor of Norfolk never granted the certificate which Mr. Waring supposed he did, he is not able to furnish him the information he seeks in relation to the seven colored boys brought by the steamer "Illinois." He recollects that, upon the day alluded to, a passenger in the steamer Illinois called at the office to obtain a certificate representing two colored boys then under his charge to be his slaves, and asking certificates to enable him to take them to Baltimore. He was informed that the laws of this State did not require a certificate in such case, but only in the case of free negroes. In the case of

slaves, the Baltimore Steamboat Company had, as they have and had the right to do, established regulations of *their own* in relation to slaves, and that was to require of all persons travelling with their own slaves *even* to enter into bond with security in double the value of the slaves, to indemnify the said company against all loss or damage; and should the slaves turn out to be the property of another, upon receiving this information, the individual determined to go on board the steamer "Illinois," and go on to New York, the only certificate which he thinks he granted to any out of the passengers on board said steamer, was a free negro from Boone county, in the State of Missouri, having a register from the court of said county, and corresponding, in the opinion of the mayor, with the person then before him.

Mr. Webster to Mr. Crampton.

DEPARTMENT OF STATE,

Washington, January 14, 1852.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, in which, by direction of her Britannic Majesty's government, you bring to the knowledge of that of the United States the alleged existence of a system which is supposed to have been for some time practiced by passengers in United States vessels touching at Jamaica, of decoying negro lads for the purpose of selling them into slavery in this country, and express the confidence felt by her Majesty's government that this government will direct its authorities to take every legal means of checking such criminal proceedings, and of bringing to justice any offenders in the United States who may be concerned in them.

In reply, I have the honor to inform you that the information communicated in your note is the first which has been received by this, or, it is presumed, by any other department of the government of the United States, in regard to the practice to which you refer. Indeed, I am not aware of a single instance of kidnapping colored persons, inhabitants of the British West India islands, by persons on board of vessels of the United States touching at those islands. If, however, there have been such cases, and those persons so kidnapped should have been brought to the United States, the laws of the several States and of the United States afford them ample means of asserting their claims to freedom, and of punishing those concerned in the attempt to deprive them thereof. Should you at any time think proper to make known to this department any such case, the attention of the proper officers shall be immediately directed to the subject.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

DANIEL WEBSTER.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Webster to Mr. Crampton.

DEPARTMENT OF STATE,
Washington, August 18, 1852.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, in which, by direction of her Majesty's principal secretary of state for foreign affairs, you bring to the knowledge of this government the part taken by an American citizen, named James B. Endicott, in certain irregularities committed in the conveyance of coolies in the British vessel "Susannah," from China to Peru, and to return the documents which accompanied it with my thanks.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

DANIEL WEBSTER.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

DEPARTMENT OF STATE,
Washington, March 18, 1853.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, with which, by direction of your government, you transmit to this department the copy of a dispatch from her Britannic Majesty's consul in the Cape Verde islands, reporting the circumstances under which Commodore Lavallette, of the United States squadron, detained and sent to the United States two American schooners from New York, named the "Advance" and the "Rachel P. Brown," which were fitted out for the slave trade, and express the satisfaction of her Majesty's government at the conduct of Commodore Lavallette on the occasion referred to; and its confidence that the government of the United States will afford all the support in its power to him and to other officers of the United States navy who may exert themselves in a like manner to prevent the vessels or the flag of the United States from being abused for the purpose of covering the nefarious devices of the slave dealers. You also transmit the copy of a dispatch from her Majesty's minister at Rio de Janeiro relative to the employment of United States vessels in the schemes now in progress for the renewal of the Brazilian slave trade, and state that, from information received from her Majesty's consul general in Cuba, it appears that the vessels and the flag of the United States are also now frequently used by the slave dealers of Cuba.

I avail myself of this opportunity to renew to you, sir, the assurance of my distinguished consideration.

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

DEPARTMENT OF STATE,
Washington, April 20, 1853.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, in which you bring to the knowledge of this government the fact that a United States brig, under the command of one José Maria Suma, sailed, about the middle of January last, from Montevideo for the coast of Africa, equipped for the slave trade.

In reply, I have the honor to thank you for the information, and to state that it will at once be communicated to the Navy Department.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Crampton to Mr. Marcy.

WASHINGTON, *March 16, 1853.*

SIR: In compliance with an instruction which I have received from the Earl of Clarendon, her Britannic Majesty's principal secretary of state for foreign affairs, I have the honor to transmit to you herewith a copy of a dispatch, which had been received at the foreign office from Mr. Rendall, her Majesty's consul in the Cape Verde islands, reporting the circumstances under which Commodore Lavallette, of the United States squadron, detained at Porto Praya and sent to the United States two American schooners from New York, named the "Advance" and the "Rachel P. Brown," which were fitted out for the slave trade, and I am instructed to inform you, sir, that her Majesty's government has observed, with great satisfaction, the vigilance, promptitude, and firmness shown by Commodore Lavallette in causing these vessels to be seized and sent home, and in removing from his situation Mr. Pexote, who, it appears, opposed the seizure, and tried to screen the captains of these vessels.

I am also desired to say, that her Majesty's government trusts that the government of the United States will afford all the support in their power to Commodore Lavallette and to any other officers of the United States navy, who may exert themselves in a similar manner, in order to prevent the vessels or the flag of the United States from being abused for the purpose of covering the nefarious devices of the slave dealers.

With reference to this matter, I am directed to communicate to you the enclosed copy of a dispatch from Mr. Southern, her Majesty's minister at Rio de Janeiro, by which you will learn that the employment of United States vessels forms a prominent part of the scheme now in progress for the renewal of the Brazilian slave trade.

I am also instructed to inform you that the dispatches of her Majesty's consul general in Cuba, show that the vessels and flag of the

United States are now frequently used by the slave dealers of Cuba, who are carrying on their operations more extensively and vigorously than they have done for some years past.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY, *Secretary of State.*

Extract from the Rio de Janeiro newspaper "Correio Mercantil," of December 31, 1852.

[Translation.]

"When we yesterday mentioned what we knew with respect to a disembarkation of Africans, at a place upon our coast, we said, 'we understand that that contraband trade has been carried on under the American flag.'

"From the information we have since collected, it may be said, and we state it with regret, that that act of piracy was protected by the flag of the United States, and was fostered by subjects of that great nation, who, in disobeying the orders of their government and infringing the laws of their country, are not ashamed to tarnish their glorious national flag with the sole sordid aim of reaping advantages from that heinous trade in Africans. If it were possible to extenuate the painful impression common to all, in seeing a great crime perpetrated, from especial considerations, ours would be lessened on reflecting that it was not our flag which protected that crime, and that even our authorities upon the coast may find excuses for not having employed the means for preventing the disembarkation in question, from the want of disposable force to resist the satellites of our potentates, who still presume to do everything they please in furtherance of their private interests.

"If the government of the United States should not interest itself in vindicating the honor of its flag—if the powers of its diplomatic agents and of its naval commanders should not be enlarged, and they should not be furnished with the means of prosecuting those who violate the laws of nations and of their own country, the slave trade will acquire fresh animation, and the American flag, which has so much contributed towards the civilization of the world, in continuing to be respected as the representative sign of a powerful nation will lose much of its dignity and glory.

"It is asserted that other speculations of a similar nature will also be protected by the American flag; and although the American minister may employ all the means within his reach to prevent the violation of the laws of the country which he so worthily represents, and he may therein be assisted by the worthy commander of the squadron, how can they obtain any proficuous result with the very few vessels at their disposal, and those of large tonnage and scattered on so extensive a station as that of South America?

"It behooves us, notwithstanding, not to lose courage; let the imperial government continue to employ all the legal means at their disposal, and searches are legal acts for the discovery of crime and of those who are the perpetrators of it; they have more than sufficient force for the purpose, which, if employed with circumspection, will bring repentance on those who think they are at liberty to abuse the laws to which they are subject, and the violation of which may inflict upon us great evils, weaken our credit in foreign ports, and retard our prosperity.

"If the imperial government should be, as in duty bound, assisted by the authorities—if among these should exist that degree of earnestness which is said to have been evinced by Señor Francisco Diego Pereira de Vascencelles, the chief of the police of the capital, who, as we are informed, has discovered the clue whereby to come at the knowledge of the criminals on shore, whatever may be the class to which they belong, neither the trouble taken nor the expense incurred during the last three years will have been lost, and the criminals will retrace their steps.

"The consideration that we do not choose to place obstacles to the investigation of the criminal authorities obliges us to keep silence respecting all that has come to our knowledge, but opportunities will not be wanting for laying the whole before our readers."

Mr. Southern to the Earl of Malmsbury.

RIO JANEIRO, *January 7, 1853.*

MY LORD: I have the honor to enclose a copy of some judicious observations which have been published in the "*Correio Mercantil*," a principal journal in this city, respecting the employment of the United States flag in the slave trade to Brazil, in connexion with the late disembarkation of Africans on this coast.

There is great reason to apprehend that fresh slave trade enterprises are on foot, and that the United States vessels and citizens under the flag of their nation is the favorite scheme to be employed in order to avoid the search of the cruisers. Should this turn out to be the case, it is exceedingly to be feared that we shall have the pain to witness the renewal of the traffic in these waters, in spite of the efforts of the Brazilian government.

The North American seamen are bold and unscrupulous, the reward is most tempting from the present exorbitant price of slaves, and the conduct of the subaltern authorities has been such as to encourage the timid slave trader, who was held back by the fear of detection and punishment from an offended government.

I am happy to state that Mr. Schenck has addressed this government, offering on the occasion any aid or co-operation in his power. Mr. Schenck, however, laments in common with every well-wisher to the suppression of the slave traffic, the defective state of the laws of the

United States, which do not authorize the detention, by a ship-of-war of that nation, of a United States vessel, although she may be found fully equipped for the trade.

I have, &c.,

HENRY SOUTHERN.

The EARL OF MALMESBURY.

John Rendall to Lord John Russell.

BRITISH CONSULATE, ST. VINCENT,
Cape Verd, January 27, 1853.

MY LORD: I have the honor to report for your lordship's information that Commodore Lavallette, of the United States squadron, in the Germantown, has detained, within the last two months, at Porto Praya, St. Iago, two American fore and aft schooners, which were fitted out for slave trading purposes, one named the "Advance" and the other "Rachel P. Brown," having sailed from New York.

These vessels were regularly entered at the custom-house, and their papers (as is usual) were deposited at the American consulate. In the case of the first named vessel, every opposition was given to her seizure, not only by the acting American consul, but also by the authorities of the place. The governor general, however, disapproved of such conduct, and immediately removed the collector. The commodore also removed the acting American consul and sent the vessel to the United States. In the case of the second vessel, the commodore also again met with opposition from the authorities, and was obliged again to send to the island of Brava, for the interference of the governor general.

It appears, from the best information I can obtain, that the captain of the "Advance" made his escape from the American commodore, by obtaining a passage to this place in an English schooner Schyrgd, and the papers of this seized vessel were sent here in charge of the captain, to the owner of that vessel by a Mr. Pexote, who was the acting American consul before alluded to. This slave captain took his passage from hence to Teneriffe by the steam packet, whence he intended to proceed to the Havana, and I understand the papers of his seized vessel were given to him at this place before his departure.

I have, &c.,

JOHN RENDALL,
Her Britannic Majesty's Consul.

Lord JOHN RUSSELL.

Mr. Crampton to Mr. Marcy.

WASHINGTON, *April 19, 1853.*

SIR: I have the honor to inform you that her Majesty's government has received a dispatch from her Majesty's chargé d'affaires at Rio de

Janeiro, reporting that a United States brig, name unknown, under the command of a person named José Maria Suma, had sailed about the middle of the month of January last from Montevideo, for the coast of Africa, fully equipped for the slave trade.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY,
Secretary of State.

Mr. Crampton to Mr. Marcy.

WASHINGTON, May 30, 1853.

SIR: In obedience to an instruction which I have received from her Majesty's principal secretary of state for foreign affairs, I have the honor to transmit to you, herewith, a copy of a dispatch which had been received in London from her Majesty's commissioners at Loanda, stating that two American vessels, the brig "Silenus" and schooner "General de Kalb," had succeeded in the beginning of the year in carrying away from Ambriz and from a point called "Cabeça de Cebra," upwards of 900 negro slaves; and I am likewise directed by the Earl of Clarendon to call your serious attention to its contents and to say that her Majesty's government feel convinced that the government of the United States will use every effort in order to prevent the revival of the African slave trade, for which criminal purpose there is reason to believe that United States vessels are now extensively employed by the slave dealers of Cuba and Brazil.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY,
Secretary of State.

Messrs. Jackson and Goodrich to the Earl of Malmesbury.

LOANDA, January 31, 1853.

MY LORD: We had hardly closed our preceding dispatch when reports were circulated that the American vessels mentioned therein—the brig "Silenus" and the schooner "General de Kalb," had each shipped a cargo of slaves between this and the Congo, and we regret to say, that Commander Bonham of her Majesty's sloop "Crane," who arrived here yesterday from St. Helena, and who spoke her Majesty's brigantine "Spy" off this port, confirms the statement.

The brig, it appears, which had been boarded on the 3d instant by her Majesty's sloop "Harlequin," succeeded on the following day,

the aid of some sixteen or seventeen launches which put off at the same moment, in embarking in less than two hours a cargo of upwards of 600 slaves from the beach at Ambriz, with which she unfortunately got clear off, though she seems to have run great risk of falling in with the "Spy," which was making for the land at the same time, and must inevitably have come across the American, had the latter not suddenly changed her course on the appearance of a strange sail and stood along the shore to the northward.

The schooner "General de Kalb," which was seen off Ambrizette at the end of the year by the "Spy," and whose captain had repeatedly and openly boasted of his intention to transfer his vessel to the slave traffickers for the purpose of shipping slaves, in spite of the cruisers, soon afterwards—the precise date we have not heard—carried off 300 from a point called "Cabeça de Cobra," a well known spot between Ambrizette and Point Padras.

It would be superfluous for us, my lord, to point out to your lordship how much this occurrence is specially to be lamented at this particular moment, for whatever may be the destination of these slaves, whether to the Brazils or to Cuba—as is most probable—it is evident that the success of the undertaking must have the worst possible effect in reviving those expectations on the part of slave traffickers of its being still possible for them to continue their nefarious pursuit, which, but for the fresh impetus it has here received, they would probably soon have been constrained to abandon as hopeless.

But a still more important consideration is, the re-appearance of the United States flag in slave trade adventures on this coast, to the abuse of which the exertions of her Majesty's cruisers and those of the American squadron in the year 1850 had put, it was hoped, a permanent stop.

It is singular that this scandalous proceeding should have taken place just at the moment when two American brigs of war, the "Bainbridge" and "Perry," have arrived at Loanda. The former anchored here on the 1st of January from Mazumba, but without, as it should seem, calling off Ambriz. On the 8th, on a representation from Commander Wilmot, the senior officer of this division, she sailed thither, but it was then too late, and she continued her voyage to St. Helena, whence she is to proceed to the rendezvous at Cape Verds.

The "Perry," which had returned home and has been recommissioned by Lieutenant Page, arrived here on the 23d direct from "Anno Boni," but in her passage down did not see a single sail. Lieutenant Page's present intention is to proceed south in the first instance, and to remain some time on this coast.

We have the honor to be,

GEORGE JACKSON,
EDMUND GOODRICH.

To the EARL OF MALMESBURY.

Mr. Marcy to Mr. Crampton.

DEPARTMENT OF STATE,
Washington, May 31, 1853.

SIR: I have the honor to acknowledge the receipt of your note of the 30th instant, inviting my serious attention to the contents of an enclosed copy of a dispatch from her Britannic Majesty's commissioners at Loanda, in which it is stated that two American vessels the brig "Silenus" and the schooner "General de Kalb, had recently succeeded in carrying away from Ambriz, and from a point called Cabeça de Cobra, upwards of nine hundred negro slaves. You likewise add that her Majesty's government feel convinced that the government of the United States will use every effort to prevent the revival of the African slave trade, for which purpose there is reason to believe that the United States vessels are now extensively employed by the slave dealers of Cuba and Brazil.

In reply, I have the honor to state that her Majesty's government does no more than justice to the United States in believing that they will use their best endeavors to prevent the abuse of their flag for slave trading purposes.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Marcy to Mr. Crampton.

DEPARTMENT OF STATE,
Washington, June 3, 1853.

SIR: I have the honor to acknowledge the receipt of your note of the 27th ultimo, in which the hope of her Britannic Majesty's government is expressed that some, if not all, of the useful legislative measures for the suppression of the slave trade, which are suggested by Mr. Schenck in the correspondence between him and this department to which you refer, may be recommended to Congress by the government of the United States.

In reply, I have the honor to state that a copy of your note, and other papers relating to the slave trade, will shortly be communicated by the President to Congress.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Crampton to Mr. Marcy.

WASHINGTON, *July 1, 1853.*

SIR: In obedience to an instruction which I have received from the Earl of Clarendon, her Britannic Majesty's principal secretary of state for foreign affairs, I have the honor to transmit to you, herewith, a copy of a dispatch and of its enclosure, which her Majesty's government have received from Real Admiral Bruce, the commander-in-chief of her Majesty's naval forces on the west coast of Africa station, calling attention to the embarrassment to which her Majesty's naval officers employed in the suppression of the slave trade are subjected, owing to the practice, which has recently been renewed, by masters and supercargoes of United States vessels of selling their ships on the coast of Africa, to be employed as slavers; and I am further instructed, in communicating these papers, to press upon the government of the United States the necessity of increasing their naval force on the west coast of Africa, in order to prevent this desecration of the American flag.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

JOHN F. CRAMPTON.

Hon. WM. L. MARCY,
Secretary of State.

Real Admiral Bruce to the Secretary to the Admiralty.

"PENELOPE," LOANDA, *April 1, 1853.*

SIR: 1. Perhaps the greatest difficulty our officers in Africa have had to contend against in prosecuting the shipment of slaves has been occasioned by American masters and supercargoes selling or transferring their vessels to slave dealers residing on the coast.

This practice, I regret to say, is now being renewed, and the baneful effect of it is shown by the escape of the brig "Silenus" from Ambriz in February last with 600 slaves on board.

2. The "Silenus" arrived on the coast about the 2d of January, from New York, and was immediately denounced by Commodore Wilmot, of her Majesty's sloop "Harlequin," and Commodore Manning, of the United States brig "Bainbridge," as a suspicious vessel; the latter officer, I believe, took every means in his power to ascertain her character, but the fact is that, until a day or two before they receive the slaves, these vessels are not fitted in a manner that would in a legal point of view justify their detention.

3. The schooner "General Kalb" is also a vessel denounced by Commodore Wilmot and, as will be seen by the accompanying letter, her master does not deny that he has already sold her and that she is intended for the slave trade.

4. The American brigantine "Monte Christo" from New York, belonging to Kingston, Powers, master, La Salea, owner, was boarded

by her Majesty's sloop "Crane," on the 12th of February; she had on board three Spanish, as passengers, who were landed at Loanga, to establish a factory, it is said, together with 97 large casks in staves, gunpowder, 40 pipes of aguardiente, a quantity of bale goods, and large crates, and took in sand ballast, intending to sail for Rio de Janeiro. She was watched until the 6th of March, and only left by the "Crane" when 300 miles off the land, on her way to Rio. It is not improbable that she will return to the coast, become the property of the Spaniards, ship her water casks under the protection of the American flag, and afterwards take on board slaves; the sand ballast answering all the purpose of a slave deck.

5. I deem it right to acquaint you with these particulars, in order that you may bring them under the notice of the lords commissioners of the admiralty, with a view to some effectual remedy being applied to an evil, which, if permitted to continue, will completely nullify all our efforts in the suppression of the slave trade in this part of the world. I am aware that to the government of the United States this question is beset with many impediments; still, however determined that government may be to preserve its mercantile marine from foreign interference, I think it might be induced, without prejudice to the general principal for which it contends, to make an exception on the coast of Africa, where its flag is in so many instances desecrated and used for the worst of purposes.

But if the privilege of inspecting American vessels is not to be conceded to us, even in those waters, it certainly behooves the government of the United States to take measures to prevent those vessels from being employed in the slave trade; to this end, I would suggest 1st, the utmost care and caution on the part of the United States agents in Europe and America in ascertaining the character of their vessels sailing for the coast of Africa; 2d, an increased force of small vessels belonging to the United States, to be employed in cruising on the coast; (at present there is only one brig between Cape Lopez and the southern limit of the station.)*

3d. Regulations compelling parties selling or transferring vessels on the coast of Africa to communicate the particulars to their respective governments.

I have, &c.,

R. W. BRUCE,

Real Admiral and Commander-in-chief.

To the SECRETARY OF THE ADMIRALTY.

Mr. Wilmot to Mr. Manning.

HER BRITANNIC MAJESTY'S SLOOP "HARLEQUIN,"

St. Paul de Loanda, January 7, 1853.

SIR: I have the honor to bring before your notice the proceeding of the two vessels named in the margin,† at present sailing under the

* Nine hundred miles.

† "General Kalb," "Silenus;" American colors.

flag of the United States, claiming the protection of that country, and I beg to call your attention to the very suspicious character of these vessels, more especially the former, which I cannot help thinking might be discovered to be an illegal trader by an American ship-of-war and detained as being engaged in the unlawful traffic of the slave trade, our great principle being the prevention of the slave trade, and not the capture of vessels after they have shipped their living cargoes; although this is a most desirable object, I cannot help feeling that both you and myself are actuated by only one great motive in the execution of the service upon which we are employed, and that if the subjects of America and of England are suffered with impunity to lend their efforts indirectly in defeating the object which our respective governments have in view, Africa will long remain in its present degraded state, and all the efforts of civilization will be in vain.

The "General Kalb" arrived upon the coast at the latter end of October last, and an extract from the boarding book of that date states that the vessel arrived on the 31st October, was boarded by the "Harlequin" off Ralienda, her name is "General Kalb," the master's name C. Kehemann, the owner, L. Kraft; that she is a fore and aft schooner (pilot boat) under American colors, from Baltimore, bound to Kabenda, belonging to New Orleans, 62 days out, with 9 men, and that she is 82 tons burden, her cargo lumber and provisions.

The captain of her further states that he has sold the vessel, and makes no secret that she is intended for the slave trade.

It is not likely that a legal trader would come to this coast upon an empty speculation, or that her cargo would merely consist of a quantity of provisions and planks sufficient to make a slave deck.

Timber is an article that neither the European or native merchants require. Africa produces this in abundance; nor is it likely that a regular trader would bring out such a small quantity of provisions for sale. It would be like carrying coals to Newcastle.

Since being boarded by the "Harlequin," in November last, the "General Kalb" has been up the Congo river, and she was discovered by Commodore Foote, of her Majesty's ship "Volcano," fast to the Portugese factory pier, at Punta de Sinba, 40 miles up. The captain, mate, and crew were laid up with the fever. I must here state that the captain is a Bremen by birth, and has served in British ships-of-war, and that the mate was with the "Wilberforce" steamer with the Niger expedition.

On the 29th December last she came down the river and was again boarded by the "Volcano," the captain's statement being that he was bound to Ambriz *to complete the sale of his vessel.*

It is very evident from the above circumstances that the vessel in question is here for unlawful purposes. First at Kabenda, then in the Congo, then at Ambriz, all for the same object. If he were a regular trader it is only natural to suppose that he would have *one fixed object in view*, and he would either be consigned to a house of agency on this coast, or remain at a place where he would be most likely to purchase such a cargo as he required. That he will sell his vessel and that slaves will be shipped on board, whenever there is a favorable opportunity, I am confident of, unless the American flag can

be proved to be unlawfully *used* by him as a cloak to his villainous intentions.

The "Silenus" brig was upon this coast last year for the purpose of being sold and carrying slaves away. This was perfectly well known to all our cruisers, and hence a vigilant watch was kept on her proceedings. Money was on board her for that purpose. The "Harlequin" was in company with her several times, and after remaining here some months, trying every expedient to effect her object, which was only thwarted by the anxious care of our vessels, she finally gave up the business and sailed for America, after being chased off the Ambriz part of the station by the "Harlequin."

There is a report, which I believe to be quite true, that the supercargo committed great atrocities before he finally left the coast. I will not enter into them now. They are doubtless well known at Ambriz, and amongst those who are connected with the slave trade.

On the 2d January, of this year, the "Silenus" is again at Ambriz, having changed hands entirely, with a new captain and a fresh crew, laden with a general cargo, consigned* to no one out here, but on the captain's own hands.

Now I do not mention these circumstances as creating suspicions of her legality, or not, but only to call your attention to the fact that this vessel, bearing such a bad name as she has done, ever since her arrival upon this coast, has again made her appearance, after so soon leaving it a few months ago.

The mate reports that she has a general cargo, (the captain being on shore at the time,) but she appears very light, and I cannot help thinking that when boarded and examined by an officer of the United States navy, she will be found to be anything but what is stated, and that her cargo, most probably, consists of articles that a slave dealer would be most anxious for, in exchange for the slaves he is to give in return.

I trust, sir, you will receive this communication in the same friendly spirit with which it is written, and that you will readily believe that I have only one object in asking for your co-operation in examining these two vessels. If you should concur with me in opinion, I shall be very thankful, and I sincerely hope it will not put you to any inconvenience, nor keep you longer here than can possibly be avoided.

I have, &c.,

ARTHUR P. E. WILMOT,

Commander and senior officer south division.

Commodore J. MANNING,

United States brig "Bainbridge."

* Since discovered that the "Silenus" was consigned to Signor Flores, a Brazilian trader, residing at St. Paul de Loando.

Mr. Crampton to Mr. Marcy.

WASHINGTON, *August 19, 1853.*

SIR: In compliance with an instruction from the Earl of Clarendon, I have the honor to transmit to you herewith a copy of a dispatch from Mr. Crawford, her Britannic Majesty's consul general at Havana, respecting the employment of an American barque, called the "Jasper," in the conveyance of slaves from the west coast of Africa to Cuba: likewise a copy of the dispatch from her Majesty's consul in the Bight of Biafra, which is therein referred to, in order that you may, if you should think fit, cause them to be communicated to the naval commanders of the United States who are charged with the suppression of the slave trade.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY, *Secretary of State.*

Mr. Bucroft to Earl of Clarendon.

CLARENCE, FERNANDO COUNTY, *April 6, 1853.*

MY LORD: I have the honor to communicate to your highness that I have received information of an American barque, the "Jasper," having succeeded very lately in getting clear with a cargo of slaves, shipped at some place between Cape St. Paul's and Popal.

The same vessel was in this place in 1851 and purchased a small quantity of palm oil on the island, and bound for Cuba. She is a vessel of about 300 tons burden, hails from New York, and was at that time commanded by a person named Samuel Young.

I am, &c.,

JOHN BUCROFT.

To the EARL OF CLARENDON.

Mr. Crawford to the Captain General.

HAVANA, *June 23, 1853.*

The Earl of Clarendon, &c., has transmitted to me the copy of a dispatch which he had received from her Majesty's consul, dated Fernando county, the 6th of April last, giving information that an American barque, the "Jasper," had succeeded in getting clear with a cargo of slaves, shipped at some place between Cape St. Paulo and Popal.*

* The barque "Jasper," from Meriba Chices, Africa, to the consignment of Don L. Garcia, arrived at Havana on the 10th December, 1851.

The vessel alluded to sailed from this port for New York, and from thence must have gone to the coast of Africa, where she had been on a former occasion. The English and American sailors who were on board of her would not allow the captain to take any slaves on board, and she returned here with part of a cargo of palm oil, and brought as passengers her real owners, although the vessel was under the American flag.

The English sailors, upon their arrival at that time, made their declarations in this office, as to their having unsuccessfully opposed the taking on board of slaves, and the consul of the United States here would not permit the transfer of the "Jasper" to the Spanish owners, who, as I before have stated, came from the coast of Africa as passengers to this port; and the consul of the United States considered the "Jasper" so suspicious altogether that she did not obtain her clearance for New York until the 20th of August last.

It would appear, however, that notwithstanding all these precautions, this vessel has made a slaving voyage to the coast of Africa, and I have some reason to think that she brought her cargo to this island, always under American colors. Knowing the efficacious measures which have been adopted by your excellency to discover the authors of the violation of the law of the treaty which took place at San Juan de los Remedios on the 24th and 25th of May last, I hope that your excellency will agree with me in opinion that probably that expedition was the "Jasper's"—the more so, as a vessel of her measurement, 306 tons, would bring over about the same number of slaves as, it is said, were landed at San Juan. I therefore hasten to lay this information before your excellency, as it may facilitate the investigations.

I have, &c.,

JOS. T. CRAWFORD,

Consul General in Cuba.

To his Excellency the CAPTAIN GENERAL.

Mr. Crawford to the Earl of Clarendon.

HAVANA, June 24, 1853.

MY LORD: Upon the receipt of your lordship's dispatch of the 20th ultimo, and its enclosure, which I have the honor to acknowledge, I addressed a communication to his excellency the captain general, a copy of which I have now the honor of enclosing to your lordship.

The American barque "Jasper," subject of Mr. Consul Burcroft's dispatch, left this port once before (viz: on the 25th January, 1851,) her last voyage, and proceeded to the coast of Africa, under the command of the master, Samuel Young, named in that dispatch.

Upon that occasion she had on board three British seamen and some others, Americans; upon her arrival she did not find the slave traders, her real owners, to whom she was to be transferred by Captain Young at Sierra Leone, and she proceeded to almost every trading place on the coast. It was, I think, at Little Popal that the Spanish owners were taken on board; twice the planks for a slave

deck were taken in, but the Englishmen and Americans would not allow any slaves to be embarked, so that the cargo which was intended to pay for the negroes was ultimately chartered for palm oil, and with part of a cargo thereof the "Jasper" returned to this port on the 10th of December, 1851, after an absence of 11 months.

The Spanish owners came over in her from Africa, and every effort was made by them to take her over from Captain Young, but I was able to get the consul of the United States to raise difficulties which could not be overcome, and so the "Jasper" sailed for New York on the 20th of August last.

It was a great doubt, both with the American consul and myself, whether she was really bound to the port of New York, for which she cleared, as we had information that she was to be transferred to the Spaniards at Key West.

The "Jasper," however, encountered a heavy gale of wind, she was so much damaged that she had to put into Key West, and owing to said damages, she had also to go on to New York, where, upon her arrival, she was subjected to a process, in consequence of the declarations of the American seamen who had been on board her, the previous voyage to the coast of Africa, but from which process it seems she got clear, no doubt for want of proof that she had been engaged in the slave trade, and, as was to be expected, she proceeded again to the coast.

As the vessel, the name of which I have not been able to ascertain, that recently landed 680 cozals at San Juan de los Remedios, was a ship or barque of about the size of the "Jasper," capable of stowing the above mentioned number of slaves, the "Jasper" being 306 tons per register, I have an idea that she it was which was burnt at Cayo Francis, after the landing was effected; and I have communicated my suspicions to the captain general, considering it might aid in the investigation of the circumstances which, by his excellency's order, is now going on at San Juan de los Remedios, to discover and punish the parties who were engaged in that violation of the law and of the treaty for the suppression of the slave trade.

I have, &c.,

JOSEPH T. CRAWFORD,

Consul General in Cuba.

To the EARL OF CLARENDON.

Mr. Marcy to Mr. Crampton.

DEPARTMENT OF STATE,
Washington, August 29, 1853.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, transmitting, for the information of the naval commanders of the United States who are charged with the suppression of the African slave trade, a copy of a dispatch from her Britannic Majesty's consul general at Havana, and a copy of a dispatch from her

Majesty's consul in the Bight of Biafra, therein referred to, relative to the employment of an American barque, called the "Jasper," in the carrying of slaves from the west coast of Africa to Cuba, and to inform you, in reply, that these papers have been communicated to the Navy Department.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Crampton to Mr. Marcy.

WASHINGTON, February 16, 1854.

SIR: The strict watch which has been kept by her Majesty's cruisers on the coast of Cuba, together with other circumstances, of which her Majesty's government have lately been informed, have led them to conclude that henceforth attempts will be made more frequently to fit out in the ports of the United States vessels intended for the conveyance of slaves from Africa to that Island; I have consequently been instructed to call the attention of the United States government to this matter, and to suggest, more especially as a means of defeating the designs of slave traders, that directions should be given to the custom house officers of the United States to exercise particular vigilance in preventing any slave fittings to be put on board vessels purchased by Portuguese, Spaniards, or Brazilians.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY, &c., &c., &c.

Mr. Crampton to Mr. Marcy.

WASHINGTON, May 27, 1854.

SIR: Having thought it my duty to call the attention of her Majesty's government to the valuable suggestions made by Mr. Schenck, the envoy of the United States in Brazil, in the course of a correspondence which passed between that minister and the Secretary of State of the United States in 1851, 1852, and 1853, copies of which accompanied the message from the President to the Senate, dated the 7th of March, 1854, I have been instructed by the Earl of Clarendon to state to you, sir, in reference to that correspondence, that these papers have attracted much interest and attention in Great Britain, on the part of those acquainted with the past history of the "slave trade" in Brazil and in Cuba.

I am to state that although the Brazilian slave trade has happily ceased since the end of the year 1852, the great and very lamentable increase of the Cuban slave trade in 1853 has caused her Majesty's government to give their earnest attention to the remedial and preventive measures which Mr. Schenck has so clearly and forcibly pointed out to his government for adoption.

Her Majesty's government have particularly noticed the third recommendation contained in Mr. Schenck's dispatch of the 26th of April, 1852, with regard to the expediency of passing a law prohibiting the granting of consular sea-letters to American vessels sold on the coasts of Brazil or of Africa; and her Majesty's government are of opinion that if such a prohibition had fortunately been law in the United States, a great portion of the Cuban slave trade, which has of late been extensively carried on in United States vessels, such as the "notorious "Lady Suffolk," the "Jasper," the "Silenus," the "General de Kalb," and others, might have been prevented.

In conclusion, I have to express the hope of her Majesty's government, that some, if not all, of the useful legislative measures suggested by Mr. Schenck, may be recommended to Congress by the government of the United States.

I avail myself of this occasion to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY, *Secretary of State.*

Mr. Marcy to Mr. Crampton.

DEPARTMENT OF STATE,
Washington, June 28, 1854.

SIR: I have the honor to acknowledge the receipt of your note of the 26th instant, enclosing two reports of the proceedings of Lieutenant Page, of the United States brig Perry, in detaining an American vessel called the Glamorgan, and in watching another, both of which were suspected of being engaged in the slave trade. You likewise state that her Britannic Majesty's government have received with much satisfaction the accounts these reports contain of the vigilance and activity of Lieutenant Page, and of his readiness to avail himself of the co-operation of Lieutenant Skene, of her Majesty's ship Philomel, for the prevention of the slave trade.

In reply, I have the honor to inform you that no time will be lost in transmitting a copy of your communication to the Navy Department, which will doubtless make known to Lieutenant Page the manner in which her Majesty's government has been pleased to speak of his conduct on the occasion referred to.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration,

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Crampton to Mr. Marcy.

WASHINGTON, June 26, 1854.

SIR: Her Majesty's government have received reports of the proceedings of Lieutenant Page, of United States brig "Perry" in detaining an American vessel called the "Glamorgan," and in watching another, both of which were suspected of being employed to carry away slaves from the river Congo.

I am instructed by the Earl of Clarendon to communicate to you, sir, the contents of these reports, copies of which I have accordingly the honor to enclose herewith; and I am further instructed to state to you, that her Majesty's government have received with much satisfaction the account they contain of the vigilance and activity of Lieutenant Page, and of his readiness to avail himself of the co-operation of Lieutenant Skene, of her Majesty's ship "Philomel," for the prevention of the slave trade.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY, &c., &c., &c.

HER MAJESTY'S SHIP PHILOMEL,

Off the River Congo, March 31, 1854.

SIR: I have the honor to inform you that on my arrival off the River Congo, on the 21st instant, I found the United States brig-of-war "Perry" watching the movements of the American barque "Milanden," of New York, which vessel there was strong reason to suspect was preparing to trade in a cargo of slaves.

2. This vessel had been previously boarded by the boats of her Majesty's ship "Philomel," under my command, and nationality having been correctly ascertained, she was proved to be *bona fide* an American, and, consequently, by the treaty between England and America, out of my power to detain, even if I had found her with slaves on board.

3. The commander of the "Perry" having informed me that he was very short of water and provisions, I suggested to him that he should proceed to St. Paul de Loando to procure supplies, and that I would remain to watch the suspected vessel during his absence; but as the Americans are fully aware of the powerlessness of the English cruisers to search or detain them, and as this vessel might pass us with impunity, I proposed that the American cruiser should leave an officer and boat's crew on board the "Philomel" until her return, so that, in the event of the vessel in question taking advantage of the "Perry's" absence to embark slaves and effect her escape, an American officer might be on the spot to seize her.

4. The commander of the "Perry" immediately met my views on

the subject, and having sent an officer and crew on board the "Philomel" for this purpose, he sailed the following day, the 22d, for Loanda.

5. At daylight on the 27th the suspected vessel was seen dropping down the river in the centre and strength of the current.

6. I immediately dispatched the two whale boats of this ship, under the command of the second lieutenant, and the American officer in his own boat to cut her off; the boats of this ship reached her sometime before the American boat, but strict orders were given to the officer in command of this ship's boats not to go on board until the American officer got alongside, when, if he demanded the aid of the English, they were to board her, not till then.

7. The barque had no slaves or slave fittings on board, but, from information I received from the shore, and which I considered as authentic, there were one hundred and fifty slaves in the bush waiting for embarkation, together with her slave deck, fittings, &c., and she also having a foreign supercargo on board at the time, all Italian, and her movements, in general, being so suspicious, the American officer deemed it prudent, with my concurrence, to detain her until the return of the "Perry" from Loanda.

8. On the 30th instant the Perry returned, when I delivered the whole of the affairs in question into the hands of the commander of that cruiser.

9. It has given me great pleasure and satisfaction to have had it in my power, in this instance, to carry out the instructions contained in the treaty between the United States of America and England for the suppression of the slave trade, viz: that of cordial co-operation and mutual assistance rendered by the cruisers of these nations to each other; and, in this case, it has had at least the good effect of showing that when the cruisers of our respective governments act in proper concert, how dangerous and, indeed, almost impossible it is for vessels intending to engage in the slave trade to carry out their nefarious purposes.

I am, &c.,

JNO. D. SKENE,

Commander and senior officer of the first division.

THE SECRETARY OF THE ADMIRALTY.

LOANDA, *March 28, 1854.*

MY LORD: We have the honor to acquaint your lordship that the United States brig "Perry" came into this harbor two days ago, and that we have received from Lieutenant Page the following confirmation of the intelligence contained in our dispatch No. 22.

2. On the 10th instant, about noon, the "Perry" being abreast of the Congo, descried a vessel, a long distance out at sea, standing in for the land. Lieutenant Page immediately ran up the blue ensign, on seeing which the stranger hoisted American colors. Lieutenant Page then determined not to have the appearance of giving chase, but,

by the help of his night-glass, he never lost sight of the vessel, and manœuvred with so much tact that, when morning broke, he found himself within a few miles of her. He immediately sent his boats in pursuit, and eventually captured her, the captain declaring that he would not have allowed any but an American boat to board him; but that, seeing they were officers of the United States navy, he at once acknowledged that he was making for the land to ship a cargo of slaves (from 600 to 800) who were looking out for him. His slave-deck, water, and provisions were all on board. She proved to be a brig, the "Glamorgan," of 200 tons, from New York, chartered by a Portuguese now resident in that city, but well known formerly as a slave merchant on this coast, by name José da Costa Lima Viana, and consigned to another notorious slave dealer in the Congo and those parts, named Cunha Reis, also a Portuguese.

3. The "Glamorgan" sailed from New York on the 8th October and landed her cargo in January, partly in the Congo and partly at Ambriz. The master of her was a native of Bremen, but a naturalized American; the mate was either an American or an Englishman by birth, believed to be the latter; and these, with the cook and two of the crew, were dispatched in the prize the following day for New York or Boston.

4. The supercargo was from Lisbon, and we regret to say the Lieutenant Page, who had, at first, declared to him that he must either be sent prisoner to the United States or be delivered over to the Portuguese authorities, allowed himself, after the man had chosen the latter alternative, to be over-persuaded by the representations which were made to him at Ambriz, and which were signed both by the American and English agents residing there, as well as by the Portuguese, and to leave him at liberty at that place.

5. The "Glamorgan," as before stated, had been several times visited by her Majesty's cruisers, and as then, so now, at the moment of capture her papers, Lieutenant Page declares, were perfectly regular. If she had not been deceived by the manœuvres of the "Perry" she might have escaped with the greatest ease, her sailing qualities being far superior to those of that brig, or, probably, of any cruiser on the coast.

6. On the person of the supercargo was found a letter with Cunha Reis' signature, telling him of the death of the Queen of Portugal, and the precise position of the ships-of-war at the moment of writing, and that then was the time to *strike*.

This letter Lieutenant Page sent to Commander Miller, of her Majesty's ship "Crane," who was then cruising in those parts.

7. Another vessel, also from New York, and under the same suspicious circumstances as attended the proceedings of the "Glamorgan," has recently arrived in the Congo, whose papers appear, likewise, quite in order, but of whose sinister intentions Lieutenant Page was so fully convinced that, on being obliged to repair to this port for water, he left a boat to watch her most carefully, and with strict orders to detain her should she attempt to take any steps confirmatory of his suspicions, such as shipping more water, food for negroes, &c. and the better to effect this, he had put himself into communication

with Captain Skene, of her Majesty's ship "Philomel," who had just arrived off the Congo as senior officer, and had requested his co-operation and the assistance of his force in support of the "Perry's" boat, if necessary; thus showing a disposition to act cordially and in concert with her Majesty's cruisers, from which the best results—if evinced equally by his brother officers who may succeed him on this station, for he himself expects shortly to be relieved—may fairly be looked for. The vessel in question is a large barque, called the "Milanden."

We have, &c.,

GEORGE JACKSON,
EDMUND GABRIEL.

The EARL OF CLARENDON, *K. G.*, &c., &c., &c.

Mr. Crampton to Mr. Marcy.

WASHINGTON, *September 12, 1854.*

SIR: I have the honor to transmit to you, herewith, an extract of a dispatch which the Earl of Clarendon, her Majesty's principal secretary of state for foreign affairs, has received from her Majesty's consul general in Cuba, reporting the capture by her Majesty's ship "Espiegle," of the brig "Grey Eagle," of Philadelphia, after she had landed a cargo of slaves at Ortigosa; likewise a copy of a further dispatch upon this subject, received by his lordship from Mr. Consul General Crawford, giving the substance of a deposition made by Joseph Town, of Philadelphia, before the United States' acting consul at Havana, respecting the voyage of the "Grey Eagle," and the composition of her crew. In bringing these circumstances to your knowledge, in obedience to the instructions of her Majesty's government, I am likewise directed to express the hope of her Majesty's government that this case may be followed up.

I avail myself of this occasion to offer you, sir, the renewed assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY,

Secretary of State, &c., &c., &c.

Extract of a dispatch from Consul General Crawford to the Earl of Clarendon, dated Havana, June 29, 1854.

"Her Majesty's ship 'Espiegle' sailed from this port on the 27th instant, and was running to the westward in company with the Spanish brig-of-war 'Aliedo,' when off Bahia Honda, Commander Hancock observed a brig with no colors hoisted laying in under the land;

he therefore stood close in, but not seeing any person on board, and no notice having been taken of a gun which was fired, they sent a boat on board. She proved to be the 'Grey Eagle,' of Philadelphia and was undoubtedly a slaver, from which a cargo had very recently been landed. There was no one on board, no papers, colors, nor anything to show under what flag she had been navigating; nor was there any evidence to show that she had been taken by the authorities, nor any town in sight from the place the brig was fallen in with. Under these circumstances Commander Hancock took possession of her; and he states that he might have brought her away without any interference, but as it was late he preferred, after he had put on board an officer and a prize crew, to lay by her during the night. In the morning however, the commander of the 'Aliedo' stated to Commander Hancock that the brig had been captured by the Spanish authorities of Bahia Honda, with 205 negroes on board, who were prisoners at that place, and, under these circumstances, she was given up to the 'Aliedo,' to be brought to this port for adjudication.

"I learn from the captain general that the slaver referred to landed her cargo, consisting of some 400 Bozal negroes, at Ortigoza; that the negroes were in a wood, but that they dispersed, and up to the latest advices only the number mentioned, of two hundred and odd had been rescued."

HAVANA, *July 20, 1854.*

MY LORD: I understand that the slaver brig "Grey Eagle" has been given up as prize to the "Espiegle," and that the case is being proceeded with before the mixed court of justice at this place. I regret, however, to state to your lordship that, until now, no more of the negroes have been captured, and from what I have learnt from the proceedings instituted at Bahia Honda, the good intentions of the captain general are likely to be frustrated by the efforts of the slave traders, and the all powerful application of gold.

It appears that the crew of the "Grey Eagle" came from Bahia Honda into the port of Havana on board of a coasting schooner. The master, whose name was "Donald," said to be by birth a Frenchman, now a naturalized citizen of the United States, took passage hence to Charleston, and all the rest had also got away, when a man whose name was Joseph Town, describing himself as of Philadelphia, appeared before the acting consul of the United States, and registered his deposition on oath, which the acting consul has transmitted to the United States district attorney. Said Joseph Town declares that the master's name was "Donald," that three of the sailors were Mitchell, Bourdon, and Leconte, the latter a Portuguese, one Spaniard, and five more Frenchmen, who composed the crew. That the deponent shipped at Philadelphia, as he understood, and the others who spoke English, for St. Thomas; that having sailed, as they thought, a much longer distance than St. Thomas, they insisted upon knowing where they were bound, and were then informed that they were going

to the coast of Africa, where in a few days afterwards they arrived; and in an hour or two the negroes were put on board, and they had again sailed, bound, as they were told, for Havana; that after a passage of thirty-five or thirty-eight days, they arrived at, and entered, a small narrow river, where the slaves were instantly landed, and the same night they (the crew) were sent off, about twelve hours ride distance to an estate, where they lay concealed for ten or twelve days. Your lordship will perceive how exceedingly defective is the deposition, in which no dates are put down, no names of places, no mention of the number of negroes, and the name of the coaster by which they came to this port is mentioned. The deponent, however, says that he is sure the district governor was bribed, as he saw him receive \$32,000, and three others also got \$2,500 each. What is very much to be regretted is, that Mr. Robertson, the acting American consul, should not have detained the young man, who he says was particularly smart and observant, and his evidence would certainly have been most valuable; very probably, I think, if well managed, it would have led to the conviction of the whole of the parties concerned in the affair of the "Grey Eagle" at Ortigoza and Bahia Honda, but the witness is gone, and I am very sorry for it.

I have, &c., &c.,

JOS. T. CRAWFORD,
Consul General, Cuba.

THE EARL OF CLARENDON.

Mr. Marcy to Mr. Crampton.

DEPARTMENT OF STATE,
Washington, September 13, 1854.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, transmitting an extract from a dispatch of the 29th of June last, and the copy of another dispatch of the 20th of July following, both from her Britannic Majesty's consul general in Cuba to the Earl of Clarendon, relative to the capture of the brig "Grey Eagle," of Philadelphia, and expressing the hope of your government that the case may be followed up.

In reply, I have the honor to inform you that proceedings have been instituted by the authorities of the United States against the parties implicated in this case, and that those proceedings will be prosecuted to a termination.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration,

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Crampton to Mr. Marcy.

WASHINGTON, *October 20, 1854.*

SIR: I have the honor to inclose, herewith, for the information of the proper department of the government of the United States, a copy of a dispatch which I have received from her Majesty's consul general at the Havana, stating that a certain Don José Egea lately left the Havana for New York, for the purpose of organizing a slave trading expedition from that port.

The information contained in Mr. Crawford's letter seems calculated to enable the United States authorities at New York, and the officer commanding the naval force of the United States on the coast of Africa to trace Mr. Egea's proceedings, and to prevent the execution of his design.

I avail myself of this occasion to offer to you, sir, the renewed assurance of my highest consideration,

JOHN F. CRAMPTON.

Hon. W. L. MARCY,
Secretary of State.

HAVANA, *October 11, 1854.*

SIR: I hasten to give you the following information, which I have just received from an undoubted source, relative to an expedition which is being prepared for the slave trade at New York, thence to be dispatched to the coast of Africa.

On the 28th ultimo a certain Don José Egea left this place for New York, in order to purchase through the house of Lasale, No. 6 Broadway, a vessel, preferring the rig of a pilot boat, or fore and aft schooner, capable of bringing over 500 slaves from Africa to this island. The vessel to be equipped with water and all things necessary for the slave trade, and, so prepared, to sail from New York, proceeding to a place on the coast of Africa in latitude $4^{\circ} 52''$ south, and longitude $11^{\circ} 15''$ east of Greenwich, where the slaves are, and have been for some time, ready to be put on board. I understand that just to leeward of the point designated by the latitude and longitude above mentioned there is a bight known as Black Point, and that our cruisers are generally about ten miles distant. The Spanish captain, whose name is Ortaya, goes passenger from New York in this slaver, and he is to assume the command as soon as the negroes are on board and the vessel is ready to set sail from the coast of Africa. The parties engaged in this adventure have been named to me, as well as the place to which the vessel is to come for the purpose of landing her cargo; but these facts are of no interest in the object which I have in view by this dispatch.

Almost all the slave expeditions for some time past have been fitted out in the United States, chiefly at New York, where there must be some establishment—ship, or outfitting, carpenter's, or builder's yard—specially undertaking such business for the slavers.

I am aware that the attention of the United States government has been directed to that circumstance, and that the vigilance of the American officers at Philadelphia and New York has been such as that the masters of two slavers are at present under trial for slave trading, and the vessels in both instances, although purchased elsewhere in the United States, were fitted out at, and sailed from, New York. I am, therefore, confident that every assistance would be afforded for the detection of the slaver about to be equipped by Don José Egea, and I hope that you will be able to engage the energies of the proper officers of the government for the purpose, who will know that it is necessary to observe the greatest secrecy and discretion, so as to trace Mr. Egea and watch his progress, in order to pounce upon the expedition at the moment of its completion. I have, &c.,

JOSEPH T. CRAWFORD,

Her Majesty's Consul General in Cuba.

His Excellency JOHN F. CRAMPTON.

Mr. Marcy to Mr. Crampton.

DEPARTMENT OF STATE,
Washington, October 25, 1854.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, with the accompanying documents relative to Don José Egea, who is supposed to have recently left Havana for the purpose of organizing a slave trading expedition at New York.

In reply, I have the honor to acquaint you that a copy of your communication has been sent to the attorney of the United States for the southern district of that State, with proper directions upon the subject.

I avail myself of this occasion, sir, to offer to you the renewed assurance of my very great consideration.

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Crampton to Mr. Marcy.

BRITISH LEGATION,
Washington, December 2, 1854.

SIR: I have been instructed by her Majesty's government to communicate to the government of the United States the two papers which I have the honor to enclose herewith, and to call your attention to the facts thereby disclosed, in regard to the manner in which the vessels of the United States are employed in carrying on the slave trade to the island of Cuba.

The first of these papers is a copy of a dispatch received by her

Majesty's government from her Majesty's commissary judge at the Havana, and will be found to contain information respecting the system now constantly pursued, and which appears every day to become more general, by which vessels fitted out in the United States, and commanded and manned by American citizens, are employed in this inhuman traffic.

The second paper contains copies of three depositions sworn before Mr. Lynslayer, the governor of Fernando Po, and acting British consul in the island, by three of the crew of the American schooner "Oregon," showing the circumstances under which that vessel was in May and June last engaged in a slave trading voyage on the coast of Africa, which, however, was interrupted by the stranding of the vessel in the river Bonny. This document will be shown to throw considerable light upon the devices resorted to by the masters of slaving vessels, in order to evade the legal consequences of these criminal acts.

I avail myself of the present opportunity to renew to you the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY, &c., &c., &c..

Extract of a dispatch from Mr. Backhouse, her Majesty's commissary judge at the Havana, to the Earl of Clarendon, dated October 10, 1854.

Some time since I heard that 350 negroes had been landed in the latter part of August last, from an American schooner fitted out at New York—the "Peerless," Captain Brand—at a place called Morillos, on the north coast of this island to the west of Havana; that information of this landing was given to the late captain general, and that the negroes were found and seized on a sugar estate; that the supercargo, a Spaniard, by name Vasquez, having received his money, left this port, apparently without attempt at concealment, in an American ship, the "Cornelia," on the 10th ultimo, for New York, and that all the crew having received their money had gone also to the United States.

I beg respectfully to call your lordship's particular attention to some of the above mentioned facts as instances of what there is reason to think is becoming the general system for carrying on the slave trade to this island. Vessels intended for this purpose are fitted out in the United States generally in New York, and often, I am told, at Charleston and New Orleans, apparently for lawful trade, and commanded and manned by American citizens. Each vessel takes out a passenger, who is generally a Spaniard, and who, on arriving at the coast of Africa, superintends the getting on board of the slave equipments and cargo, together with a slave crew, generally including Spaniards as well as Portuguese and others, and takes charge of the vessel and cargo for the rest of the voyage. Such appears to be a part of the system

generally adopted now. The consequence is, that though the cargo be Spanish property, and the real captain a Spaniard, yet, because the vessel appears to be American property, and perhaps is really so, no commander of a British cruiser, without good reason for thinking the appearance false, may interfere with her. If the local authorities at the place of landing in Cuba seize some of the negroes in order to escape the punishment for neglecting their duty, the captain and crew need not be arrested, because no such motive exists for their capture, as for that of the negroes, and they therefore can go leisurely to the United States in order to enter into engagements to perform their respective parts in a new similar undertaking. Most, if not all these circumstances, appear to have attended the case of the "Peerless" and other cases of recent occurrence. The facilities for carrying out this system of slave trading are greatly contributed to by the apparent immunity generally from seizure of the captain and crew of a slaver.

Mr. Crawford informed me lately that there had been a slaver wrecked on the Isle of Pines, where five Bozal negroes and two dead bodies had been found about the 20th of August last, and that the surviving Bozals had declared, through an interpreter of the Congo nation, that they had been cast away, and the whole of the negroes except themselves had been lost, and the master and one or two of the crew saved. It was discovered that the wrecked slaver was American, the master's name Bryan, and that he (the master) had come to Havana, and immediately embarked for Charleston in the American steamer "Governor Dudley."

At Clarence, island of Fernando Po, on July 27, 1854, personally appeared before me, James William Bishop Lynslayer, esq., governor of the island of Fernando Po, Richard Edmonson Birkett, master of the good ship "Belle," of Liverpool, who, on being sworn, deposed: That while laying in the river Bonny, on June 26, of the present year, a schooner with Spanish colors flying entered that river; the colors were half-mast high the previous day. I had been requested to dispose of an anchor for a schooner at the bar. I went to the chairman of the Bonny court of equity, to consult with him if it was prudent to dispose of the anchor, being under the impression it was for a slave vessel; he advised me not to give it. I went alongside the schooner to let the captain know he could not get it; the schooner had run on the mud. When I got alongside the captain requested me to go on board, as he was in distress; the water was up to the slave deck inside. On my boarding her, the captain and supercargo wished to deliver the vessel up to me, for the purpose of giving her up to the British government or officers. I told the captain I could not take charge of her without a written document from him to that purport; he gave me one authorizing me to take charge of her. I then allowed the captain, supercargo, and the crew then on board of her, to go to my vessel, taking their wearing apparel and private property only. I then got the schooner's sails furled; got an anchor belonging to the "Belle" out inshore, cleared up the decks, and put everything below; sent my chief officer and carpenter to nail the hatches down and lock them. I left three men in charge at 6 p. m. I again went to consult with the

chairman, when I was informed by him that the natives meditated an attack on the schooner that night. The chairman strongly advised me to remove my men in case of an attack, and fearful of their being murdered by the natives. At 9 p. m. lights were seen on board the schooner, (my men having been removed previous,) and it was raining very hard at the time; there was also a sound as if hammers were at work. At 5.30 a. m., on the following morning, I saw boats alongside the schooner, and men at work—the English flag flying in the main rigging. I went alongside and inquired of the person in charge, who had taken possession, and at what time they had done so? He informed me that Captain Hemingway had boarded her the previous evening about 9 o'clock, and he was then discharging cargo out of her, having broken open the locks and hatches. A meeting was called next day of the (*captains*) supercargoes, king, and chiefs, and remonstrances made as to the legality of Captain Hemingway's proceedings. I produced the document I had from the captain of the schooner, authorizing me to take possession of her; but Captain Hemingway would not give her up. I left my anchor on board the schooner. The Spanish flag which was flying when I boarded her, a declaration both in English and Spanish, and an inventory given to me by the captain and supercargo of everything on board with the keys of the locks of the hatches, I now deliver up to Commander Bedingfield, of her Majesty's steamship "Pluto," in the presence of the aforementioned J. W. B. Lynslayer, esq.

R. E. BIRKETT.

Sworn at Clarence, island of Fernando Po, this 27th day of July, 1854.

J. W. B. LYNSLAYER,
Governor and acting British Consular Agent.

At Clarence, island of Fernando Po, on the 27th of July, 1854, personally appeared before me, J. W. B. Lynslayer, esq., governor of the island of Fernando Po, Joseph Cowen, chief officer of the ship "Belle," of Liverpool, who on being sworn, deposed: That he went on board a schooner, under Spanish colors, in the river Bonny, by order of Captain Birkett, to get out an anchor (belonging to the "Belle"); the vessel was nigh full of water. The anchor was got out, the hatches put on, they were locked, and I gave the keys to Captain Birkett. Everything was put down below, off the deck. Nothing was taken out of the schooner during the time that I was there.

J. COWEN.

Sworn at Clarence, island of Fernando Po, 27th of July, 1854.

J. W. B. LYNSLAYER, &c., &c., &c.

At Clarence, island of Fernando Po, on the 27th of July, personally appeared before me, J. W. B. Lynslayer, esq., &c., &c., &c., Charles Brown, carpenter of the ship "Belle," of Liverpool, who being duly sworn, deposed: That he went on board a schooner under Spanish colors in the river Bonny; that the said schooner was nigh full of water;

that an anchor was got from the "Belle," the schooner not having one; the hatches were all put on, the bars on top; I put nails to prevent the hatches or bars being opened. Nothing whatever was taken out of the schooner during the time that I was there.

CHARLES BROWN.

Sworn at Clarence, island of Fernando Po, this 27th July, 1854.

J. W. B. LYNSLAYER, &c., &c., &c.

At Clarence, island of Fernando Po, this 27th July, 1854, appeared before me, J. W. B. Lynslayer, esq., &c., &c., &c., John Walsh, seaman, who being sworn, stated: I joined the schooner "Oregon" of New Orleans, at Charleston, South Carolina, for a voyage to St. Thomas, West Indies; there were six passengers, but after we left Charleston, one turned supercargo and the others became seamen; they were Spaniards, I think. We left on 22d April. After we had been some days (seven, I think,) at sea, the captain got a brush of paint (black) and rubbed it over the name at the stern, thus marking it out. The other seamen and myself spoke of this to the mate, who told us to go aft to the captain; he said, "well boys, I'm going to the coast for niggers." Our wages were \$— per month, but he told us this; he said they would be increased to \$40 per month. I believe Rio Pongo was his destination—called there, but a small vessel gave us chase; we outran her in two hours; the "Oregon" was a very fast sailer. We went down the coast; saw the land often; came to off Bonny at the mouth of the river. A man of the name of Jack Brown, head pilot of the river, came off in a large canoe and took away four barrels of rum, two barrels of fish, bread, rice, and other articles to fill his canoe. We got under weigh in a calm, with a boat towing us ahead; the schooner drifted ashore and remained five hours; she received damage; proceeded up the river, and having no anchor, the captain put her on shore. I heard the captain give the vessel up to Captain Birkett for delivery to the British authorities. We took our clothes and went on board the "Belle," under the protection of Captain Birkett. The schooner had Spanish colors half-mast on entering the river Bonny.

JOHN WALSH.

Sworn at Clarence, island of Fernando Po, this 27th day of July, 1854.

J. W. B. LYNSLAYER, &c., &c., &c.

At Clarence, island of Fernando Po, on the 27th July, 1854, personally appeared before me, J. W. B. Lynslayer, esq., &c., &c., &c., John Pearce, seaman, who being sworn deposed: I joined the schooner "Oregon" of New Orleans at Charleston, South Carolina, for a voyage to St. Thomas, West Indies. There were six passengers, but after we left Charleston, one turned supercargo and the other five became seamen; they were Spaniards, I think. We left on the 22d April; when off Bermuda the captain got some black paint and rubbed over the ship's name; he then told us he was "going to the coast for niggers," increasing our wages from \$18 to \$40 per month. Called at Rio Pongo,

but a small vessel gave chase, and we ran down the coast, often making the land; the "Oregon" was a very fast vessel. We left Charleston under American colors, but afterwards they were changed to Spanish. Anchored off Bonny; a canoe came off, and Jack Brown, the head pilot, got her full of rum, rice, bread, fish, and a great many other things. The schooner got ashore; got off again and entered the Bonny with Spanish colors half-mast high; had no anchor, and the captain ran her ashore, delivered her up to Captain Birkett of the ship "Belle," to be delivered to the British authorities.

JOHN PEARCE.

Sworn at Clarence, &c., &c., &c.

J. W. B. LYNSSLAYER, &c., &c., &c.

At Clarence, &c., &c., &c., personally appeared before me, James William Bishop Lynslayer, esquire, &c., John McLaughlin, seaman, being sworn, deposed: I joined the schooner Oregon, of New Orleans, at Charleston, South Carolina, for a voyage to St. Thomas, West Indies; there were six passengers on board, but after we left Charleston one turned supercargo, and the other five seamen—I think they were Spaniards; we left on the 22d April; when at sea a few days, the ship's name was rubbed out by the captain with black paint, and on inquiring his reason for so doing, he replied that "he was going to the coast for niggers;" he increased our wages from \$18 to \$40 a month; we called at Rio Pongo, but as a small vessel gave chase, we ran down the coast; we often saw land; anchored off the mouth of the river Bonny; a large canoe with the head pilot, Jack Brown, came off and returned with her full of goods of the cargo; the schooner got ashore, but got off again and entered Bonny with the colors half-mast high; she left Charleston under American colors.

JOHN McLAUGHLIN.

Sworn at Clarence, island of Fernando Po, this 27th day of July, 1854.

J. W. B. LYNSSLAYER, &c., &c., &c.

Mr. Marcy to Mr. Crampton

DEPARTMENT OF STATE,

Washington, December 8, 1854.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant, calling my attention to two papers therein enclosed relative to the manner in which vessels of the United States are employed in carrying on the African slave trade to the island of Cuba, and to inform you in reply, that I will endeavor to make use of them for the more effectual prosecution of persons concerned in that traffic who may be subject to the jurisdiction of this government.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration,

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Crampton to Mr. Marcy.

WASHINGTON, *April 18, 1856.*

SIR: I have been instructed by her Majesty's government to communicate to the government of the United States the circumstances of the capture by a Brazilian cruiser of the American schooner *Mary E. Smith*, with a cargo of 387 slaves on board, as detailed in the report, of which I have the honor to enclose a copy, from her Majesty's consul at Bahia; and to draw your attention to this case, as showing the systematic manner in which, as I have on previous occasions had the honor to represent to you, the flag and vessels of the United States are abused by persons engaged in committing the piratical crime of slave trading.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

Hon. W. L. MARCY, &c., &c., &c.

BRITISH CONSULATE,
Bahia, February 13, 1856.

MY LORD: I have the honor to report that the American schooner "*Mary E. Smith*," which was the subject of Mr. Grattan's dispatch to your lordship on the 15th of September last, accompanied by a memorandum furnished to him by the collector of the customs at Boston, was captured on the 20th ultimo off St. Matthews by the imperial Brazilian cruiser "*Olinda*," and brought into this port with 387 Africans.

It appears the master of this slaver had previously, on the coast of Rio de Janeiro, attempted to effect a landing, but, being repulsed by the police, came northward, determined at some point or other to carry out his nefarious resolution, for which purpose, feigning distress, he entered the port of St. Matheos, in the province of Espirito Santo, about six degrees south of this city.

From the vigilance then evinced on the landing of two of her Portuguese passengers, Manoel da Costa Bastos and João Jose Vianna, who, no doubt, are interested parties, it soon became clear to them that they were suspected, and an intention existed, on the part of the authorities, to capture the schooner in port; on which, hurrying on board, she soon stood out to sea; but in the short space of a few hours afterwards was captured by the above mentioned cruiser.

I never heard or saw a more distressing case of slave trading than the one the *Mary E. Smith* has offered. With a capacity of only 122 tons, five hundred human beings were crammed into her on the coast of Africa, of whom 133 had died previous to her capture; and subsequently, until her arrival in this port, 67 Africans expired from exhaustion consequent upon starvation and disease, their bodies being

eaten into by vermin; of the remainder landed, 76 have been buried, and, of the survivors, 109 are in the hospital suffering from the disease contracted on board. Such is the deplorable result of this inhuman traffic. But, as a retributive act of justice, the master and three seamen are likewise at present in the hospital dangerously ill from the effects of disease caught from the unfortunate individuals whom they were instrumental in tearing away from their country.

All the ship's papers were fortunately seized at the time the schooner was captured. Her crew is composed of—Cranovich, an Austrian by birth, but a citizen of the United States, known well on this coast as having been for many years mate in the Brazilian steam packet service, on the line from Rio de Janeiro to Pará; several American and two Portuguese seamen. The two so-called passengers are residents of Rio de Janeiro, and supposed to be members of an association formed there some time ago, and in Portugal, for slave-trading purposes.

I regret to add that, from the investigations made on board by the chief of police, four more vessels purchased in the United States and belonging to the same association, are expected with Africans. The first expected is named the Mary Stuart.

I have also been in communication with the president of the province on this subject, as well as for the purpose of obtaining information as to watch the nature of the steps taken to punish the guilty.

I have expressed to his excellency, in the name of her Majesty's government, my congratulations on the vigilance exercised by the authorities on the coast; but added that, inasmuch as this was the first example of a seizure in flagrante of the crew and papers of a slaver by a Brazilian cruiser since the passing of the law of September 4, 1852, your lordship will naturally expect the utmost severity of that law to be enforced against the men-stealers, both as a warning to others, and in proof of the good faith of government. The president then requested me to furnish him with a copy of Mr. Grattan's dispatch to your lordship and of the memorandum attached to it, in order to trace the guilt of the parties, and to serve as circumstantial evidence of their prosecution before the auditor of marine, and with that request I did not hesitate in complying.

Although promised by the president copies of the ship's papers and other documents to transmit to your lordship, I have not yet received them, which I shall not delay doing as soon as they come to hand.

I enclose herewith copies of my communications with her Majesty's legation at Rio; and add thereto a translation of a leading article of one of the journals of this city, as it is characteristic of the re-action experienced during some considerable time past in this city in respect to the African traffic.

In conclusion, allow me to express the satisfaction I feel that, in all the investigations which have taken place at the police, no individual residing within this consular district is suspected of having had any dealings in this nefarious case.

I have, &c.,

JOHN MORGAN.

The EARL OF CLARENDON, *K. G.*, &c., &c., &c.

Mr. Marcy to Mr. Crampton.

DEPARTMENT OF STATE,
Washington, April 9, 1856.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday, in which my attention is drawn to the case of the capture, in January last, by a Brazilian cruiser, of the American schooner "Mary E. Smith," with a cargo of 387 slaves on board, as showing the systematic manner in which the flag and vessels of the United States are abused by persons engaged in the slave trade.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

W. L. MARCY.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Mr. Kent to Mr. Webster.

[No. 32.]

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, April 10, 1852.

SIR: As the matters connected with the slave trade on this coast have an important bearing upon commerce and navigation, the interests of which are intrusted to the consular department, I deem it not improper to make some suggestions, and to state some facts to the department on this interesting subject.

I am happy to say, in the first place, that I have no reason to suppose, and do not believe that there is now, or has been for the last year, a single vessel under the colors of the United States engaged in this traffic from Brazil. During the first six months after I entered upon the duties of this consulate, (1849-'50,) I felt compelled, under the provisions of the laws of the United States and the instructions to my predecessor from the department, to grant several sea letters to American vessels sold here to citizens of the United States not usually residing in a foreign country. In all such cases I required proof of all the facts specified in the statute of enrolment, and limited the master to "lawful voyage or voyages until the first arrival in the United States." In no case had I evidence of a design to engage in the slave trade, although I was not free from a suspicion of such a design in some of the cases. I believe, from facts which I have learned, that all those vessels which did actually go to the coast of Africa have been captured and condemned, and that not one of them returned to this coast with slaves. The course adopted in former years to obtain the use of the United States flag in this nefarious traffic has been so fully stated heretofore, and is so well understood, that it is needless to repeat the explanation. But no application for such a sea letter has been made to this office for nearly two years, and no sale of a vessel of the United States has been made in this port

during that time, where I had any reason to suspect that the purchase was made with a design to engage in the slave trade. The permanent and temporary residents in this city, natives of the United States, who were generally understood to have some connexion, directly or indirectly, with this trade, have failed in business, and nearly all of them have departed to "places unknown," and I trust they will never return to disgrace their country and outrage humanity.

In reference to the trade itself, I am also happy to say, that it has been, so far as I know and believe, in a great measure, if not entirely, suppressed for the last year. It may not become me to speak of the operations on sea and land, carried on by the English and Brazilian authorities, except as to results.

Whatever views may be entertained of the decided, strong, and vigorous measures of the English cruisers, when tested by the strict principles of international law, no one can fail to see that they have been effective, in a great degree, in suppressing for the time the infamous traffic.

The English vessels have made many captures, and the Brazilian government has certainly made new and apparently honest and earnest efforts for the same object and with like results. These efforts and captures have been most disastrous and discouraging to those engaged in the trade. They have been astonished, confounded, and very much alarmed, and generally have withdrawn, at least temporarily, from the business. Some of them have been banished from the country, and some who were captured condemned to imprisonment.

But I am well persuaded that the slave trade is but "scotched, not killed," and that if the pressure is removed it will again spring into full life and vigor. It is true there is a large party, composed principally of native Brazilians, who are earnestly opposed to the traffic, but there is, on the other hand, a very powerful and influential body, composed of men of wealth and enterprize, who have apparently no conscientious scruples on the subject, who would, I have no doubt, enter again into the trade as soon as the chances of success outweigh the chances of capture. It is generally conceded that if one cargo out of three comes safely over from Africa, a decided profit will ensue to the owners, although two of the vessels with their cargoes may be captured or lost. A slave costs on the coast from twenty to forty dollars, and is worth, when landed, from two to three hundred dollars; this profit is so great that it is in vain to hope that "moral suasion" alone will deter those who have no conscientious scruples on the subject; and candor compels me to add that I fear, that upon demand and with sufficiently tempting offers, our own vessels and some of our citizens would be found again prostituting the honored flag of our nation, by participation in this disgraceful commerce in human beings. The strong arm of power has put it down, and in my judgment this alone can keep it prostrate, at least for many years.

I know that it is the opinion of many philanthropists that if the trade was left entirely free and unrestricted it would soon exhaust itself by over production, if that term may be used. But there are facts not generally known or considered that stand in fatal opposition to this view: one, and the most important, is, that it has been found

here more profitable to exhaust slaves by long continued and severe labor for eight or ten years, and then supply their places by new importations, than to raise children. Hence arises the great disinclination on most estates to encourage or permit connexion between the sexes by marriage or otherwise, or to provide for their proper nursing and care of the comparatively few children that are born.

The mortality among adult slaves and children is truly astonishing. So long as the trade continues there will be a very large demand annually to supply the void made by death and disability alone. But if the trade is effectually and finally suppressed, necessity, prudence, and self-interest will compel an abandonment of the institution of slavery, or an entire change in the treatment of slaves and their children in the particulars above alluded to, and an assimilation to the course pursued in our slave States.

When the foreign supply is cut off it will become the direct interest of masters to treat their slaves with kindness, and not prematurely exhaust their powers for labor, and encourage and regulate the intercourse between the sexes in a manner that will ensure proper attention, nurture, and protection to the young and helpless. This result alone would repay all efforts that may be made for the suppression of the traffic. I do not, however, mean to say that the owners of slaves in this country are particularly cruel in disposition, or in inflicting direct punishment on their blacks. The system in actual operation seems to be the result of pecuniary calculation rather than of premeditated cruelty.

Another consideration in this connexion is the fact that there are in Brazil vast tracts of fertile and yet uncultivated soil adapted to the growth of the staple productions of the country, and which would give new and profitable employment for many years to the imported Africans, and thus cause a continued demand.

The reflection I have given to this subject has entirely satisfied me that the different modes of operation, so often discussed, are not in their nature and effect antagonistical, but may all be employed in effective co-operation.

All efforts by colonization and otherwise to cut off the supply of slaves, and to discourage and prevent the trade in slaves on the coast of Africa by example, persuasion, and wise regulation are to be highly commended as direct auxiliaries in the work of suppression. But a system so long established, enlisting in its support not merely reckless adventurers, outcasts, and pirates, but many men of wealth, intelligence, and station, who do not yet see, or will not admit, the moral iniquity of this traffic, which offers such overpowering temptations to cupidity, and such excitement to gamblers in human flesh, and which meets in some degree the demand for laborers on immense tracts of uncultivated lands, cannot be finally suppressed by a few captures, and by temporary measures of active interposition on the high seas.

Plans that are both comprehensive and permanent, adopted with wisdom, and persevered in with energy and patience, can only be effectual. Commencing with efforts in the interior and on the coast of Africa to prevent by treaties and other means the capture and sale of prisoners to be sold as slaves, and to cause the destruction of the

baracoons and trading stations, enlisting the native princes and others, men of influence and power, against the wars and barbarous customs of other years, and by extending the schemes of colonization and the limits of the territory under civilized rule, thus rescuing a long extent of coast from any connexion with the trade, and by all practicable measures introducing civilization and the Christian religion into Africa, the evil will be reached at its fountain head.

In the meantime, waiting for these moral influences to work out their results, physical force along the coasts of Africa and Brazil, and on the high seas between them, must be employed to capture and destroy the vessels loaded with slaves. If, however, the voyage is successful, the cargo landed, let new difficulties and dangers meet those who have heretofore considered all danger at an end when this point was reached. Let the new blacks be seized on land as well as on the sea. Let officers be appointed who are decided enemies of the traffic, and whose diligence and energy may be quickened by a suitable reward for every man released, to watch for, seize and bring before the magistrate all such new comers. Let tribunals be established in every district, clothed with ample powers to try and determine all questions of freedom. Let a time be fixed since which date no imported African can be held as a slave, and let all claimants be held to prove a residence in the country before that day. Let there be an annual return and inspection of every estate in suitable districts. In point of fact there is no practical difficulty in detecting at once new blacks. "Their speech betrayeth them," and there are other indications by which a practical eye at once detects them. I need not follow out more in detail the plan indicated. There can be no difficulty in carrying out such proceedings, if the government is heartily and earnestly, and in good faith, determined upon the entire extinction of the traffic. And this good intention I will not doubt. And I regard the proceedings upon land as important and fully as efficacious as those upon the high seas. Indeed, I think that when once fairly established and faithfully carried out in practice, they may supersede the necessity of any great naval force by other powers than Brazil. The great powers, therefore, that have at so great a cost sustained this force, are directly interested in the immediate adoption of these land proceedings by this government. In justice to this government I would say that there have been some seizures of newly imported blacks, after landing, and that I understand the orders are strict to officers along the coast to seize all such as may be found. The system, however, as it strikes me, should be carried out in the interior, and be fully matured in all its details, as the effectual mode to put an end to all future attempts to introduce new slaves. I am satisfied that the dealers and traders would fear these proceedings more than any other mode of operation; they would find but few persons who would pay a remunerative price for a slave, when he could feel no security in his title, however far into the interior he might send him. When it is once understood and believed that the title will be examined and passed upon by judicial authority, and this without fear or favor, there will be no purchasers of slaves recently imported, and of course an end to the traffic. But until this is certain the relaxations even of physical power, and the vigilance of

the naval force, would give an opening into which these traders would risk without hesitation or delay.

The coast of Brazil, extending through thirty-seven degrees of latitude, offers a vast number of isolated and land-locked harbors, where vessels can be fitted out and where slaves can be disembarked secretly and rapidly. And when once on shore, heretofore they have been regarded as safe from all danger and have been driven openly into the interior, and there as openly sold. The naval force of this empire is clearly insufficient to guard the whole coast of the country, to say nothing of that of Africa, but it can strike an effectual and a fatal blow on land, in the mode before indicated, and thus relieve other nations from the extended guardianship of the two coasts.

In whatever aspect the questions which arise in reference to the future condition of Brazil in the event of the entire abolition of the slave trade are viewed, it seems to me plain that an enlightened and far seeing self-interest will unite in the conclusions of the higher principles of humanity and justice. One of the first effects would unquestionably appear in an advance in the price and value of slaves. Another, as the immediate consequence of this, would be greater care in the health, strength, and in the general treatment of the blacks, and particularly of infants and children, for the reasons before given. A third consequence would probably be a greater encouragement to foreign emigration of free white laborers on the high and fertile lands of the empire. The effect upon the question of the entire and final abolition of the system of slavery, is a point which would be viewed differently by different minds. My own conviction is, that whilst it would not retard such an event, that alone and disconnected from other more effective causes, it would not produce that effect. The slaves now held and the natural increase under a remodeled system of treatment, will keep the number on the increase. Very few escape from the country by sea or land. A considerable number obtain their freedom by purchase or gift. There would probably be less fear of insurrection, as the new blacks are generally regarded as most intractable. The sparse population, the immense extent of the empire, and the few large towns in which masses are congregated, are all facts which are relied upon as securities against combinations and conspiracies. There is one feature in society which at once strikes an observant foreigner, and which will be viewed as important in reference to the future by those who may draw directly opposite conclusions from its consideration. There seems to be but little repugnance to color among the inhabitants of this country. Condition and not color determines, in a great degree, the social condition of the individual. It is because he is a slave, and not because he is black, that the man of African descent is regarded as a menial. Men of African blood are not excluded from the highest society, and sometimes fill offices of high trust, when their character and circumstances give them the position. I do not think that the equality is perfect, but it certainly much more nearly approaches it than in other countries where slavery exists, or in our own northern States, or in the English possessions. But, whatever may be the result to this country of the abolition of the slave trade, I think I am justified in saying

that the civilized world will not tolerate the existence of this relic of barbarism, and will insist upon its final extinction from the face of the earth.

I have had the honor to receive, from the Hon. Mr. Hamlin, of the United States Senate, a printed copy of the bill No. 472, Senate, 31st Congress, 2d session, concerning the intercourse and trade of vessels of the United States with certain places on the eastern and western coasts of Africa, &c., which was reported but not acted upon at the last session. I beg leave to submit some considerations in reference to the provisions of that bill, as it is important that if any legislation is had on the subject it should be effective and reach the evil to be remedied at every point. I entirely concur in the great object of the proposed statute, and in the principal measure specified.

The bill provides for the exclusion of all commerce with the coast of Africa (except the places named) in any United States vessel, except by a direct voyage from the United States or Europe. This provision would not interfere with any legitimate commerce with Africa, or certainly not with any worthy to be placed in opposition to the object in view. I can call to mind but one vessel of the United States which could be placed in such a list, since I have resided in Rio de Janeiro. I think no honest trader can object to such a law. I think, too, that the law to a certain extent would be useful and efficacious. But I feel compelled to say that, in my judgment, if the slave trade is revived to any considerable extent, and legislation becomes necessary to prevent our citizens and our vessels from again prostituting our flag, some other and more comprehensive provision will be required. But I will first speak of the provisions of this bill, as possibly some of my suggestions may help to make it more perfect. The offence named in the first section is "*visiting*" with a vessel of the United States "any such place or places." In the second section, any such vessel found *at* or in the *vicinity* of any such place, is to be seized by any naval officer and sent home for condemnation. But if seized before she has reached and visited a place, however clear the intention may be, no condemnation can be decreed. Ought not the first section to be amended, say in the 23d line, by inserting after the word "shall," the words "sail with the intention of visiting or shall," or words of like effect. I would also suggest that a further provision be made, that if any such vessel be found within a certain number of leagues or degrees of longitude of the coast, that fact shall be *prima facie* evidence of a design to violate the act. Unless a vessel is found in a harbor, without some such provision, it may be impossible to prove intention. If the party accused can satisfactorily explain his course and position, and show his honest intention, he will, of course, escape the penalty.

I think the framers of the law will be satisfied, on reflection, that the fourth section is altogether too general and sweeping. If I rightly understand it, it will put an end entirely to the sale and transfer of any American vessel to a citizen of the United States in any foreign port. For upon any such sale of even a fractional part or share the register must be given up; at least, that has been the understanding and practice in this office. Upon such surrender a certificate, or as it

is generally called, a sea-letter is given, reciting the facts of sale and the surrender of the register, and substituting the bill of sale and the sea-letter in lieu of the register, until the first arrival of the vessel in the United States. The register, in ports, is transmitted to the collector of the port where it issued. It has not been considered correct, safe, or legal, to allow the new owner to hold both the former register and his bill of sale. Instances have been known where registers thus left have been used to protect other vessels engaged in the slave trade, corresponding nearly in size and appearance with the vessel to which it was granted.

Great abuses, I fear, would follow if the former register is allowed to remain with the new purchaser; besides, I do not see how the provisions of the fourth section will prevent the evil that was in view of the framers. I presume the object cannot be to prevent, in all cases, the sale of United States vessels in foreign ports to our own citizens, who may desire to trade with one another, as this would be in direct opposition to the policy heretofore pursued; but if it is the object, then a much simpler course would be to directly and briefly prohibit such transfers; but if such transfers are to be allowed, what good effect can result from the prohibition in this section. If no certificate or sea-letter can be given by the consul, the party purchasing must be entitled to sail his vessel under his bill of sale and the old register, one or both. The fact that the consul can certify nothing, cannot deprive him of his right to buy, to use, and to sail his vessel. If this section is enacted, the vessel will be sold, transferred, and sailed without even the oversight of the consul. The sea-letter or certificate confers no new rights; it simply substitutes one owner for another, leaving all other rights and obligations as they stood before. The great advantage of them is, that the former register is secured from possible abuse, and the whole transaction brought before the consul and the papers of the vessel regularly authenticated. With all deference I submit that some special provisions, limiting the power of consuls in this empire of Brazil, would be more efficacious than the general clause. I would suggest, that in such cases of sale to an American citizen, within the law, the sea-letter or certificate should contain only a permission to sail directly to a port in the United States, there to obtain a new register. Such a restriction would not operate injuriously, to any extent, to honest commerce. Very few American vessels, engaged in legitimate trade, ever clear from this country to any ports except those of the United States on the Atlantic or Pacific.

On this subject I beg leave to refer to the letter of my predecessor to the department, of the 14th November, 1846, No. 30, and the reply of Mr. Buchanan, of the 26th May, 1847. If any discretion is given to authorize, in a peculiar case, an intermediate voyage, or to touch at any one or more ports, the voyage and the ports should be expressly defined in the certificate of the consul. In addition, it should be declared by law, and inserted in the certificate of the consul, that if the vessel is found out of the usual tracks, or within certain specified limits near the coast of Africa, the fact should be deemed *prima facie* evidence of being engaged or intending to engage in the slave trade; and the certificate should also contain a direct exclusion of any right

to visit the coast of Africa; and, probably, the most effectual provision would be to authorize a consul, in his discretion, to require a bond, with good sureties, that the vessel shall sail and proceed in a direct voyage to her port of destination, and not violate the terms of the certificate.

It is not to be forgotten that vessels destined for the slave trade on the coast of Africa, in fact, seldom, if ever, clear for any port on that coast, but for some other unsuspecting place. There can be no great hardship in holding them to perform a voyage that they themselves indicate.

It is well known that in former years vessels of the United States were, in fact, sold here to slave dealers, but the whole matter kept secret, in order to secure the American flag and papers on board during the voyage from Brazil to Africa. The vessel there would be delivered up to a new master and crew, and sometimes the former master and crew would descend on one side as the captured Africans came up on the other. If this new law is enacted, may we not fear that the same method may be pursued with vessels in fact purchased in the United States or Europe. This law legalizes the voyage from those countries to any portion of the African coast, and no penalty or right of seizure attaches until evidence of actual participation in the traffic. Ought there not to be some restrictions on this right. Those who legislate against these slave traders will do well always to remember that in their business they are "wise as serpents." I have thought of the following provisions, some of which may perhaps be found useful. At all events, I will venture to submit them for consideration:

1. Prohibit any United States vessel, clearing for the coast of Africa, from a port in the United States or Europe, from departing in ballast or without a certain amount of legal cargo, and also cause an inspection before sailing, to ascertain what is, in fact, on board. No honest trader desires to go to the coast without a cargo, or with a suspicious one.

2. Make it illegal and highly penal for any owner, consignee, or agent, or other person, to sell and deliver in the United States, or elsewhere, any vessel or any part, the party knowing that the purchaser intends to employ the same in the slave trade, and also provide a like penalty for selling or contracting to sell a vessel to be delivered on the coast of Africa, or in places contiguous, or allowing the register and American papers to remain and to be used after a sale, or contract for a sale. The *scienter* might not be required in the two last cases.

3. Require before the sailing of any such vessel, bound to Africa, the oath of the owners, consignees, and master, that no sale, contract, bargain, or agreement has been made and no negotiation entered into for the sale of said vessel, or for the delivery on or adjacent to the coast of Africa, and that no such sale or delivery is contemplated, and that it is the intention and purpose of the parties to engage only in lawful commerce and to have no connexion with the slave trade, and for the vessel to return to the United States.

But oaths are often cobwebs, therefore,

4. Require a bond, with good sureties in twice or three times the estimated value of the vessel, conditioned that the vessel shall return

to the United States within a certain specified time, dangers of the seas and inevitable accidents excepted, and the proof of loss by the excepted causes to be produced by the obligors. This bond, in European ports, to be given to the consul of the port.

This last provision, which reaches directly the pecuniary responsibility of the party, I regard as the most certain and effective. It may be objected that such regulations are vexatious and embarrassing. It must, however, be remembered that the number of vessels from the United States, engaged in legitimate commerce on the coast of Africa is not large, and that the honest trader will thus be enabled to separate himself from the imputations and suspicions which more or less attach to nearly every such voyage. The case supposes a revival of the trade, and the evil to be remedied demands stringent and searching measures, and if some unusual requirements are made, men who are conscious of honest intentions and really opposed to this disgraceful traffic, will cheerfully comply with them. The clamor would doubtless rise from those who are openly or secretly interested in, or favor the business. I repeat that I fear that all penalties and punishments, however stringent in the language of the statute, would prove insufficient without the pecuniary security for the return of the vessel. But it is time to bring this long communication to a close, and I tender an apology for its unusual length, which can be found rather in the importance of the subjects discussed than in the suggestions made. It seems to me highly important to our honor and our sense of duty, whilst we steadily and unwaveringly deny the right of search, and claim for our flag that it protects what is beneath it, that we should see to it, by all practicable means, that this honored flag is not abused to the purposes of piratical cruisers, or by reckless and abandoned violators of law and justice.

With great respect, your obedient servant,

EDWARD KENT,
United States Consul.

APRIL 26.

P. S. I regret to be compelled to say, that since writing the foregoing dispatch circumstances have occurred which lead me to apprehend that the fears I have expressed in reference to the renewal of the slave trade in vessels of the United States are about to be realized. Two vessels, under the flag of the United States, have, within a few days, cleared from this port under circumstances which induce the general report and belief that they are destined for the coast of Africa, and that they will be employed, if opportunity occurs, in this trade, either under their present flag or that of another nation, after sale and delivery on the coast of Africa. The masters of these vessels both denied any such intention; but although there was no sufficient proof exhibited at the time of sailing to justify a condemnation, yet there seems to be a strong suspicion and belief among those whose judgment in such matters is seldom at fault or mistaken, from all the circumstances, that these vessels, in some manner, will be used in carrying on this infamous traffic. I hope, for the honor of our country, that

the future may disclose such a history of their voyages as will remove all suspicion.

It is unnecessary for me at present to say more on the matter. I shall communicate hereafter whatever I may learn respecting the vessels in question, either confirming or removing the suspicions. I beg leave in this connexion to reiterate what has so often been communicated, both from the legation and this consulate, that one or two steam vessels of war, of light draft, are absolutely necessary for effective action on this coast. One such vessel would be of more service than the whole fleet now on this station, and with two such vessels a vigilant watch might be maintained along the coast. The knowledge that such vessels were on the station would itself deter many from entering upon these perilous adventures.

E. K.

Hon. D. WEBSTER, *Secretary of State.*

Mr. Kent to Mr. Everett.

[No. 44.]

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, January 22, 1853.

SIR: In the postscript to my dispatch, No. 32, of April last, in which I communicated, at considerable length, facts and suggestions in relation to the slave trade, I stated that two vessels of the United States had (then) recently cleared from this port under circumstances which induced the general report and belief that they were destined for the coast of Africa, and for some connexion with the slave trade; and I also stated that I should communicate to the department any facts I might afterwards learn respecting those vessels.

I have now the honor to inform the department that, in reference to one of those vessels, I became satisfied, after full examination on her return, that she had not been engaged in the transportation of slaves.

The other vessel to which reference was made was the "Camargo," Captain Nathaniel Gordon, of Portland, Maine. This vessel arrived here from California on the 23d of October, 1851, with a cargo of hides. Upon survey, the hides were condemned and sold. The vessel remained here until April, 1852, and then cleared for the Cape of Good Hope, under circumstances which led to the suspicions alluded to in my dispatch before referred to.

Four of the sailors of this vessel have been arrested here by the Brazilian authorities, and are now in prison, charged, as I understand, with having been engaged in the slave trade in the "Camargo." Mr. George Marsden, a citizen of the United States, who has resided in Rio de Janeiro many years, has also been arrested, and is now held on the ground of an alleged connexion with this vessel and her cargo and voyage.

I have conversed with two of the sailors above named, and they state that they were on board the "Camargo" when she sailed from this port, and that she did touch at the Cape of Good Hope, and re-

mained there a short time; that she sailed from thence to Mozambique, and then to Madagascar, and from the latter place to the east coast, at an unoccupied spot, where she took on board about five hundred negroes, with water, &c., and that she succeeded in reaching the Brazilian coast about two hundred miles south of this port, and that the negroes were there landed safely, and that soon after all hands left the vessel, which was set on fire and burned. These sailors came here by land, and were found by the police of this city and arrested.

All the reports and facts from other sources confirm the statements of the crew. I understand from the men that they made the above statements to the magistrate when they were examined, with the addition that they were ignorant of any design on the part of the master to engage in the slave trade until they arrived at the place of embarkation on the coast of Africa. Unfortunately for them, they did not denounce the captain or report themselves to this office on their arrival, but attempted to escape with the money that had been paid to them as wages, or their share of ill gotten wealth. Efforts have been made, and are still continued, to find Captain Gordon and the remainder of the crew, but as yet without success. It is now reported that Captain Gordon has gone to the United States, but this fact is not certain. Some suppose that he has gone to Montevideo or Buenos Ayres.

The authorities of Brazil will, of course, hold these men at present; but if they should be released, I shall, if it is deemed proper by the minister of the United States, and if it is practicable, send them to the United States as witnesses or criminals, with the hope that this master of an American vessel, if he has returned, may be brought to justice, and that if he is found guilty of these aggravated offences he may be dealt with in such a manner as shall inflict the severest punishment on him, and be a solemn warning to others who may be tempted to enter into this most nefarious traffic.

It is due to the imperial government and its officers to state, that active, energetic, and continued efforts have also been made, and are still continued, to trace out and secure the Africans landed from this vessel, and it is reported that a considerable number have been found in different places.

As I explained in my dispatch No. 32, these new expeditions on land to follow, search out, and rescue the newly-imported blacks, are perhaps more important and efficacious in suppressing the traffic than the most vigilant and active efforts on sea.

Whilst I cannot but feel the deepest regret and mortification that this revival of the traffic should be traced so clearly to a vessel carrying the honored flag of our country, I feel confident that the success which has attended the earnest, honest, and persevering efforts of the authorities to arrest the offenders, to rescue the blacks, and to punish all connected on land or sea, will operate most favorably in deterring others from engaging in like adventures, and particularly from purchasing the blacks that may be safely landed.

With great respect, your obedient servant,

EDW. KENT.

Hon. E. EVERETT,

Secretary of State of the United States, Washington.

Mr. Savage to Mr. Marcy.

[Extract.]

CONSULATE OF UNITED STATES,
Havana, September 22, 1854.

SIR: * * * * *

Referring you to my communication No. 120, I beg to state that I have ascertained that the sea-faring man that lost his vessel at the Isle of Pines, and sailed from this port in the Governor Dudley to Charleston, was named Brian, or Bryan. It has also been reported to me that the steamship Cahawba, on her last voyage from hence to New York, carried away eight men who had belonged to a slaver ship that sailed from the United States. This affair was conducted with such secrecy that it has been impossible to find out anything connected with it.

Some two hundred negroes were brought from the Isle of Pines five or six days since. It is believed that they formed part of those brought by Bryan, but there is no certainty, as another cargo of about six hundred was landed at that isle some seven or eight days ago.

In the affair of the seamen that came in the schooner *Esperanza*, nothing has been done as yet; they remain in prison. The two Americans are separate from the Portuguese. No depositions have been taken from them further than those they gave at Güines. Chauncey has been quite ill, and unable to furnish me the statement I required of him in writing; but day before yesterday I received from him a letter, of which I inclose you a copy. It is a most extraordinary letter, and makes it very important to obtain the true statement of all the facts connected with the affair. I shall not fail pressing Chauncey to furnish me, at an early day, those facts. As General Concha arrived and assumed the reins of government yesterday, I shall be obliged to wait a few days, till he is fairly posted up, before I can address him on the subject, especially as it is understood that all the judges, except one, composing the *Real Audiencia*, have been removed.

* * * * *

I have the honor to be, sir, with great respect, your obedient servant,

THOMAS SAVAGE,
in charge of Consulate.

Hon. WILLIAM L. MARCY,
Secretary of State, Washington.

Mr. Chauncey to Mr. Savage.

HAVANA PRISON, *September 19, 1854.*

SIR: I hope you will pardon the long delay I have caused you, but I can assure you I have been very sick, but am now recovering rapidly and through the means of a gentleman here who kindly

furnished me with medicine, which I think has completely eradicated the fever.

I presume you are aware that we have changed quarters twice since I saw you and furnished with provisions from outside, all of which has been done by some secret agency of the owners, we suppose. It has been stated to us that we are to receive a part of the money which they said we were to receive, had all the negroes been saved. Who these persons are, it is impossible to find out, but two or three prisoners here appear to do their business for them. Since here we have received a sum of money from them to purchase clothes. We two Americans were compelled to leave the apartment where the Portuguese are confined, as we found it impossible to live with them without fighting; they are, sir, without exception, the most infernal, cowardly set of cut throats that ever went unhung. They were so much afraid we should have something done for us by you, that it was almost impossible to prevent them from abusing the shipping master, every time he came. We, at length, spoke to the alcaide, who had us removed to better quarters. When we were removed, their anger knew no bounds, but it was soon tempered by the simple word "stocks." I have now, sir, to beg your indulgence for a few more days before I make out my statement, as I wish first to receive this money. And besides you will have a very different statement from that contained in my letter to you from Guines, which letter was written at the *instigation* and by the *dictation* of the Portuguese, who, when they found out here that the owners would do something for them, were most venomous against you, and the shipping master, in particular, as they were afraid we would say something to him which they would not hear, but, thank Heaven, we are now clear of them.

For the articles which you so kindly furnished us we will repay you, so that some poor cast away or sick and penniless American may be benefitted by the sum. To us it was a perfect God-send.

And, sir, be pleased now to accept our thanks, not only for the kindness you have shown us, but also for the promptitude in which you attended our case.

Very respectfully, yours, &c.,

M. CHAUNCEY.

P. S. If you will have the kindness to take charge of my money, when I receive it, you will very much oblige me.

M. C.

A.

Mr. Savage to the Captain General.

CONSULATE OF THE UNITED STATES,
Havana, September 1, 1854.

MOST EXCELLENT SIR: Two American seamen, named Mark Chauncey and William Winn, who are now in the jail of this city, have

desired me to render my official services in their behalf for the purpose of obtaining their release. Being anxious to comply with the double duty of rendering them all the assistance I may, though without going beyond the limits conceded to the office I hold, to relieve them from their painful situation, and of correctly reporting to the government of the United States all the circumstances connected with said seamen's case, I would respectfully request of your excellency to inform me of the nature of the offence committed by those seamen, which has led to their being imprisoned, and in case that they have violated any law of the country, of what are the intentions of the government respecting them.

An early reply conveying the information desired will confer a favor on the undersigned, who has the honor to be,

With great respect, your excellency's very obedient servant, the commercial agent in charge of the consulate.

THOMAS SAVAGE.

B.

Copy of reply to the above.

[Translation.]

Office of the Governor, Captain General, and Superintendent, delegate of the royal exchequer of the ever faithful island of Cuba :

GOVERNMENT SECRETARY'S OFFICE,
Havana, September 5, 1854.

SECTION 1. The North American seamen, Mark Chauncey and William Winn, who are in the jail, together with several others, belong like these, to the crew of the schooner *Esperanza*, that was set fire to after discharging on the coast of the isle of Pines the *bozal* negroes that she brought, and having been transferred to the place called "Rosario," in the jurisdiction of Guines, were captured with the negroes that they transported to this place.

In consequence thereof, they are subjected to the proceedings instituted on that account, the decision of which appertains to the "Real Audiencia Pretorial," (Superior Court,) in conformity with the penal law for the suppression of the African traffic.

Which I state to you in answer to your said official letter. God preserve you many years.

MARQUIS DE LA PEZUELA.

COMMERCIAL AGENT *in charge of the consulate of the United States.*

Mr. Savage to Mr. Marcy.

[No. 124.]

CONSULATE OF THE UNITED STATES,
Havana, September 27, 1854.

SIR:

* * * * *

I laid those papers, on the 15th instant, before the mixed court of justice in this city, and yesterday I received another letter from the secretary of the court, of which I enclose a copy herewith. The case is still pending before the court, which is very anxious to obtain evidence proving that the brig "Grey Eagle" became, at the coast of Africa, Spanish property, otherwise it will have no jurisdiction upon her, and consequently will have to give her up to the captain general.

As the secretary's letter expresses all that the court wish me to procure, I have merely to draw your attention to it, leaving it for you to decide what is proper to do in the premises.

I have the honor to be, sir, with great respect, your ob't serv't,
THOMAS SAVAGE,
in charge of Consulate.

Hon. WM. L. MARCY,
Secretary of State, Washington.

José Antonio Valedes to Mr. Savage.

[Translation.]

OFFICE OF THE SECRETARY OF THE MIXED COURT OF JUSTICE,
Havana, September 25, 1854.

At a meeting held on the 23d of the present month by this mixed tribunal, in which were considered the documents that you were pleased to transmit to me, with your favor of the 15th instant, marked A, B, C, D, E, and F, which I now return to you, with the exception of the one marked A, as you requested, it was resolved that this office shall address an official letter, which I now respectfully do, to the effect that, availing yourself of the same means adopted to procure the documents aforesaid, you ask, and transmit to this court a copy of the clearance document issued by the proper custom-house, wherein must naturally exist that of the last voyage undertaken by the brig Grey Eagle, and in which document there must certainly appear the destination, captain, cargo, and crew of said vessel; for, from the papers, before alluded to, the only information obtained is that her owner and captain is Samuel S. Gray, according to what this person assured the custom-house of New York, which appears contradictory of antecedents existing in the proceedings in regard to this affair, transmitted by you to his excellency the governor and captain general, and communicated by his excellency to the tribunal, stating that a prosecution is carried on in another court of the State of Philadelphia, against

a certain Donald or Darnand, as captain of the same brig "Grey Eagle," who is accused of having delivered the vessel at the coast of Africa, after she was loaded with negroes, to a Spaniard. And that you likewise transmit, at the proper time, an authenticated copy of the sentence, which, by said tribunal in Philadelphia, be rendered against Donald or Darnand and the parties concerned in the case mentioned.

God preserve you many years.

Don JOSÉ ANTO. VALEDES, *Secretary.*

To COMMERCIAL AGENT,

in charge of the Consulate of the United States.

Mr. Robertson to Mr. Marcy.

[No. 129.]

CONSULATE OF THE UNITED STATES,
Havana, October 7, 1854.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 23d ultimo, with the copies accompanying the same.

Mr. Savage succeeded at last in obtaining from the seaman Mark Chauncey the statement of the circumstances connected with the voyage performed by said Chauncey to the coast of Africa. I enclose you a copy of the statement. Mr. Savage looked over it in the prison on receiving it from Chauncey, and seeing that neither the name of the vessel nor that of the American captain were mentioned therein, he interrogated the seaman upon the subject, and ascertained that the vessel's name was the "Mary Reed;" that her name was erased at the coast of Africa and "Esperanza" painted on her stern; and that his companion in the prison was the captain. Chauncey assured Mr. Savage that the captain's name was Winn, but is not sure whether his first name is William or John; he believes that the captain told him that he was named John, but the name given in the first statement to Mr. Savage, when they arrived here, was William. Chauncey also stated that he saw the clearance of the "Mary Reed," in the "Herald" of the morning when she left New York. In the course of conversation with Chauncey, Mr. Savage learned from him that he (Chauncey) had information that a certain foreign official in New York lent his office for making arrangements connected with the African slave trade, or was perhaps interested himself in those arrangements. Chauncey could not say that he knew it as a positive fact, neither would he mention who the foreign official is. I give you the information, such as it is, however, that, if you deem it proper, a watch may be placed upon such foreign officials as are most likely to be suspected of taking a part in the trade.

Among the suggestions that I intend to make to the captain general in my interview with him next week, is the expediency of his placing the two men, Winn and Chauncey, at my disposal, to send them to New York, where their evidence will be more available than here. His excellency the other day told me that he is determined to put

down the slave trade at all hazards. I shall inform him of the exertions now making in New York and other places in the United States to ferret out the parties concerned there in the traffic, and bring to condign punishment such as have already been guilty of violations of the laws relative to the matter.

The following are the names of certain individuals known to have been in New York, and who may be there still, who are reputed as belonging to the nest of slave-traders: Antonio Severino de Avillar, Joaquin Gaspar de Motta, Antonio Rodrigo Abreo.

These three belong to the famous Brazilian company. The two first were called when here by Captain General Pezuela, in January last, and told to quit the island as of their own free will, otherwise they should receive a formal order of the government to leave; so they exchanged the credits they had from London for others upon New York, and departed in the Black Warrior on the 1st of February last. Subsequently it was ascertained that they were watched in New York. On the 5th of April, Mr. Barclay, the British consul there, wrote to Mr. Crawford, consul here, that Motta was about to leave for England shortly, and promised to advise Mr. C. when he did go. Mr. Crawford assured Mr. Savage, the other day, that he has not received the information. So it is possible that Senor Motta is still in the United States. Abreo goes and comes very often between Havana and New York, and so does a person called Rubirosa, who is a brother of the noted slave trader of this name.

I have the honor to be, sir, with great respect, your obedient servant,

WM. H. ROBERTSON, *Acting Consul.*

Hon. WM. L. MARCY,

Secretary of State of the United States, Washington.

Mr. Robertson to Mr. Marcy.

[No. 132.]

CONSULATE OF THE UNITED STATES,
Havana, October 22, 1854.

SIR: I had the honor to address you on the 7th instant, announcing my arrival here, and my first interview with General Concha. On the 12th I had another interview with his excellency, the principal object of which was to obtain the liberation of the two American prisoners, Mark Chauncey and William Winn, whose testimony will be of very great importance. I explained to the captain general that the authorities in the United States were using every exertion to prevent expeditions, to go to Africa for slaves, from being fitted out at our ports, and to arrest and bring to condign punishment every individual concerned in them; that I knew those men are in possession of information to convict many parties in New York, engaged in this nefarious traffic, that could be arrested and brought to punishment; that inasmuch as his excellency had so emphatically expressed his

determination to put down this trade by all means in his power, I had taken the liberty of pointing out the means for effecting the great object in view—checking, if not entirely destroying the chance of any further expeditions from the United States; that if it were possible to press their trial to relieve them at an early day, it would greatly serve the cause that both nations seem so anxious to promote, the suppression of the slave trade. His excellency seemed deeply impressed with my remarks, and expressed his regret that he has not the power personally to place those two men at once in my hands, as it is beyond his province to control them; but he desired me to address him a confidential communication, therein expressing the arguments in favor of the measure proposed, and he would send for the “Regente,” (chief justice) of the royal “Audiencia,” and press upon him the importance of an immediate trial, that they may be liberated and placed at my disposal. In conformity with the above request, I addressed his excellency a communication on the next day, of which I send herewith a copy, together with that of the reply. From the captain general’s words at our interview, and from the nature of a private note I had received from his secretary, I was in hopes of receiving an answer more in conformity with my wishes. I do not, however, doubt that it is the captain general’s intention to comply with my request, after all necessary formalities have been gone through, but when it will be, I am not yet able to say.

I have the honor to be, sir, with great respect, your obedient servant
WM. H. ROBERTSON,
Acting Consul.

Hon. W. L. MARCY,
Secretary of State.

Mr. Robertson to Captain General.

[Translation.]

[[CONFIDENTIAL.]]

CONSULATE OF THE UNITED STATES,
Havana, October 13, 1854.

MOST EXCELLENT SIR: At the interview that your excellency did me the honor to grant me last evening, treating upon the affair of the two American seamen, Mark Chauncey and William Winn, that belonged to the crew of the slaver schooner called the *Esperanza*, and are now imprisoned in the royal jail, I stated the importance of those seamen being placed at my disposal, for the purpose of sending them to the United States, where the authorities are making at present the greatest efforts to ferret out and punish all persons that have made use of the American flag for the nefarious slave trade. The information and evidence that Chauncey and Winn can furnish would be of little or no importance here, but they would be very useful in the United States for the destruction of that trade, and to have brought to trial several individuals against whom suspicions exist, but whom the authorities cannot molest without having such proofs as the courts

would require. Therefore, if the cause of those two men could be quickly terminated, to enable me to send them as early as possible to the United States, I firmly believe that through them, better than by other means, could be obtained the punishment of certain parties who have undoubtedly made themselves liable to it, and by this means destroy, or at least repress, in the United States the practice of fitting out expeditions for the slave trade from Africa.

Hoping that your excellency will be pleased to take what I have stated into consideration, co-operate as far as it lies in your power to the end I have in view, I have honor to be, with great respect, your excellency's very obedient servant,

WM. H. ROBERTSON,

The commercial agent in charge of the Consulate.

His Excellency Señor D. JOSÉ DE LA CONCHA,

Governor, Captain General, &c., &c., &c.

Captain General to Mr. Robertson.

[Translation.]

*Office of the Governor, Captain General, and Superintendent Delegate
of the Exchequer of the ever faithful Island of Cuba,*

GOVERNMENT SECRETARY'S OFFICE,

Havana, October 20, 1854.

SEC. 1. His excellency the governor captain general having become informed of the contents of your communication, dated 13th instant, wherein you reiterate your efforts to have the two American seamen, Mark Chauncey and William Winn, whom you had already demanded in another of September 14, delivered to you, for the purpose of subjecting them to the process opened in the United States with the object of repressing the African slave trade, has been pleased to resolve that the cause carried on against said individuals, the decision whereof belongs to the royal audiencia pretorial, according to the existing penal law, not having been terminated, it is not at present in his power to accede to the wishes you manifest in your communication before mentioned.

God preserve you many years.

JUAN SUNYÉ,

The secretary general to the civil government.

*The COMMERCIAL AGENT in charge of
the Consulate of the United States.*

H. Ex. Doc. 105—5

Mr. Robertson to Mr. Marcy.

[Extract.]

[No. 140.]

CONSULATE OF THE UNITED STATES,
Havana, November 11, 1854.

SIR: I have the honor to acknowledge the receipt of the dispatches dated respectively 20th and 24th October ultimo. By the latter I am informed that various extracts from my communications and those of Mr. Savage have been sent to the United States district attorneys at New York and Philadelphia. I hope that our efforts may lead to the extirpation of the barbarous and shameful traffic in slaves. * *

* * * * *

I have the honor to be, sir, with great respect, your obedient servant,
WM. H. ROBERTSON,
Acting Consul.

Hon. WILLIAM L. MARCY,
Secretary of State of the United States, Washington.

Mr. Gibbs to Mr. Robertson.

UNITED STATES CONSULAR AGENCY,
Nuevitas, November 17, 1854.

SIR:

* * * * *

Within the last two months we have had two cargoes of negroes landed near here, and, I am sorry to say, both vessels were American, and captains, officers, and parts of crews the same, as I afterwards learned. I have seen nothing of them. I have been told that both of these vessels were fitted out in New York.

Yours, respectfully,

RICHARD GIBBS,
United States Consular Agent.

W. ROBERTSON, Esq.,
United States Consul, Havana.

Mr. Hyatt to Mr. Marcy.

[Extract.]

UNITED STATES CONSULATE,
Amoy, May 1, 1855.

SIR: In examining the various laws of Congress "regulating the carriage of passengers in merchant vessels," there seems to be something defective. None of these laws, that I can find, regulate the carrying of passengers in American vessels from foreign ports to any other than those of the United States. The law of February 22, 1847,

provides, that "A master of a vessel taking on board any greater number of passengers than in the foregoing proportions, with intent to transport the same from the United States to any foreign port or place, or from any foreign port or place to the United States, is guilty of a misdemeanor," &c.; and the supplementary act of March 3, 1849, provides, that "All vessels bound from any port in the United States, to any port or place in the Pacific ocean or its tributaries, or from any such port or place to any port in the United States, on the Atlantic or its tributaries, shall be subject to the provisions of all the laws now in force relating to the carriage of passengers in merchant vessels," &c.

Now, if the main object of these laws and regulations is simply to guard against any deleterious influence upon the sanitary condition of the places in the United States to which such passengers may be carried, perhaps they are sufficiently effective. But if a regard for the interests of humanity on a broader and more general scale be contemplated, it appears to me as though they should cover the carrying of all passengers in American vessels, to whatever port or place they may be transported.

Occurrences under my own immediate observation, and which will, perhaps, continue to increase rather than diminish, have brought these defects to mind, and suggested the importance of bringing them before your department. American vessels are frequently taking Chinese coolies from this or the adjacent Chinese ports within the jurisdiction of this consulate, to Cuba and ports in the South American or other foreign States. And in some of these cases, I have reason to apprehend that little or no regard is paid to the wholesome regulations which are provided by the laws of Congress, to restrict the number and provide for the comfort of passengers that each vessel shall carry to any port in the United States. The consequence is, that these vessels are often overloaded, greatly to the detriment of the lives and health of the passengers, being little better in their operation, it is feared, than the African slave trade. And although I have remonstrated against such a course whenever brought to my knowledge, yet I could find no authority in our laws to restrain or remedy the evil.

* * * * *

Respectfully, yours,

T. H. HYATT,

Hon. WM. L. MARCY,

Secretary of State, Washington, D. C.

Mr. Robertson to Mr. Marcy.

[No. 229.]

CONSULATE OF THE UNITED STATES,
Havana, July 23, 1855.

SIR:

* * * * *

The ship "Hound," of Stonington, Connecticut, Captain Amos Peck, arrived here yesterday from Macao, (China,) with a cargo of

Chinese laborers for this island. The captain reported to me the number to be 230, and that several other cargoes are on their way.

With great respect, sir, your obedient servant,

WM. H. ROBERTSON,
Acting Consul.

HON. WILLIAM L. MARCY,
Secretary of State of the United States, Washington.

Mr. Robertson to Mr. Marcy.

[No. 232.]

CONSULATE OF THE UNITED STATES,
Havana, July 27, 1855.

SIR: In a postscript to my dispatch No. 229, of 23d instant, I had the honor to inform you of the arrival here, from Macao, China, of the American ship *Hound*, Captain Amos Peck, with 230 Chinese consigned here to the Colonization Company, represented by Pereda Machado & Co. The *Hound* is per register of $713\frac{2}{3}$ tons, owned by Charles H. Mallory, ($\frac{1}{4}$), Charles Mallory, ($\frac{1}{2}$), David D. Mallory, ($\frac{1}{8}$), and George W. Mallory, ($\frac{1}{8}$), all of Stonington, Connecticut. Captain Peck took charge of her as master on 3d of October, 1854, in New York, and took the oath of being born in the State of Connecticut. He states that he lost only two *passengers* on the passage to Havana. The parties interested in the cargo have protested against the captain and owners, because the former refused to receive on board, at Macao, 400 Chinamen which the agent there had prepared to embark upon the ship, and only consented to take about 230, this number being what he calculated the laws of the United States allowed a ship of the capacity of the *Hound* to carry, even though the laws do not refer to passengers carried from one foreign port to another foreign port. I enclose you a translation of the protest, and also a copy of a communication to Captain Peck from Dr. Parker, acting United States commissioner, which, no doubt, confirmed the captain in his refusal to receive more Chinamen than the number he took in. Captain Peck expresses himself as heartily ashamed of being concerned in such a trade, and states that, from information obtained from the *passengers*, on the passage, as to the manner of their being obtained in their country, and, subsequently, of the manner of their being disposed of after arrival here, he cannot but consider this trade as bad, if not worse, than anything he has read or heard of the African slave trade. For my part, I assure you that I regret very much to see vessels under our flag engaged in such a traffic. I am sorry to state that on the 24th instant, another American ship, called the *Sky Lark*, arrived from Swartow, China, with 532 Chinese, consigned to Pereda Machado & Co., having lost by disease 59 on the passage. This ship belongs to New York; is commanded by Stephen B. Dow, a native of New Hampshire; of $1,209\frac{2}{3}$ tons; length, 190 feet; breadth, 37 feet; depth, 18 feet 6 inches; owned by Eben B. Crocker, ($\frac{1}{4}$), George Warren, ($\frac{1}{4}$), Henry L. Jaques, ($\frac{1}{16}$), John C. Connor, ($\frac{1}{8}$), all of New

York, and Henry H. Crocker, ($\frac{1}{8}$), James Sturgis, ($\frac{1}{8}$), and Charles H. Warren, ($\frac{1}{16}$), all of Boston. I have not learned that this vessel has met with any difficulties with the parties interested in her cargo. I am told that several other vessels, amongst them some Americans, are expected to be here soon with the same sort of cargoes.

I have the honor to be, sir, with great respect, your obedient servant,

WILLIAM H. ROBERTSON,
Acting Consul.

HON. WILLIAM L. MARCY,
Secretary of State of the United States, Washington.

[Translation.]

PROTEST.

In the ever most faithful city of Havana, on the 23d day of July, 1855, before me, a notary public, and witnesses, appeared Messrs. Pereda, Machado & Co., merchants of this city, who, I attest, are known to me, and they stated: That the American ship "Hound," Captain Peck, having arrived yesterday at this port from Macao, bringing Asiatic colonists to their consignment, and having differences to arrange with the captain and his owners, which proceed from his having refused to embark at Macao, (China,) more than 230 colonists in lieu of the 400 that were ready to be embarked, and which he could have conveyed, as the size of the vessel permitted, according to the Spanish laws, the conveying of 470, and the captain being thereto bound according to his charter party; they protest once, twice, thrice, and as many more times as our laws may allow, against the said captain and his owners for all damages and losses accruing to them in consequence of said captain's refusal to receive the 400 colonists, not only on account of the difference in freight, but also on account of the excess of provisions embarked in China, and for all damages and losses that they may be entitled to; and they ratify in all its parts the protest extended at Macao by Don Vicente Jorge, the agent of the protestants at that place for forwarding colonists, which is as follows: "In Macao, on the 30th and 31st of March, 1855, appeared before me, Don Francisco Antonio Pereira de Silveiro, a notary public, &c., Don Vicente Jorge, whom I declare to know, and he said: that the vessel 'Hound' having been chartered in New York, (of 715 tons of the United States, Captain Peck,) on the 16th of September last past, by Mr. James Tait, or his agents, to navigate any part or parts of the world, and to lade goods or passengers of lawful commerce, as appears in the charter party, signed by C. H. Mallory and H. Blaidorn, and the said vessel having conveyed some cargo from New York to Manilla, to the consignment of Messrs. Matias, Menchacatorre & Co., these parties dispatch the said vessel to the consignment of the protestant to receive coolies for Havana; and the protestant having notified Captain Peck that he would ship four hundred Chinamen, notwithstanding that the laws of Spain, on the introduction of colonists, per-

mit him to carry 470, calculating $1\frac{1}{2}$ tons for each colonist, Captain Peck has decided that he will carry only 219, and eleven cooks and stewards, and as from this arbitrary determination will accrue very grave losses and confusion to the colonization company and to the constituents of the protestant, from the difference in the number of colonists as well as from the expenses incurred for provisions, water, wood, and accommodations for 400 colonists that he has ready to be embarked; he protests against the said Captain Peck, holding him responsible for the damages resulting from his refusal to the Colonization Company, as well as to the constituents of the protestant; and of his so saying and protesting before me and the witnesses herein under named, I attest:

“FRANCISCO ANTONIO PEREIRA SILVEIRO.”

In testimony whereof they so said it, and subscribed the same at about 9 o'clock, a. m., before me, and the witnesses Don Julian Luna, Don José de Prado, and Don Pedro Garcia, residents.

Present:

PEREDA, MACHADO & CO.

Before me:

EUGENIO PONTON.

Mr. Parker to Captain Peck.

LEGATION OF THE UNITED STATES,
Macao, March 21, 1855.

SIR: In reference to the charter party this day submitted for my opinion, I have to state—

First. Although it is contemplated to take passengers from a foreign port to a foreign port, say, from Macao to Havana, from a Portuguese to a Spanish port, yet the vessel and master are both American, sailing under the United States flag, and are amenable to the United States laws.

Second. This was manifestly understood by the charterer, when in New York, he applied to the United States surveyor and obtained a survey of the vessel, and determined the number of passengers which, by the laws of the United States, she is capable of carrying.

Third. By the terms of the charter party you are to obey the instructions of the charterers, except to the jeopardy of the interests of the owners of the ship; but were you to be guided by the Spanish law in determining the number of your passengers, and by the stress of weather or any other cause, which though not probable, yet is possible, you should be compelled to put into a port of the United States, by the 8th section of the passenger act of 1848, the vessel would be liable to forfeiture, and you subject to fine and imprisonment.

His opinion is confirmed by the United States naval officers of experience in these matters, with whom I have conferred.

I have the honor to be, sir, your obedient servant,

PETER PARKER,

Acting Commissioner, &c., United States of America, China.

Captain AMOS PECK,

Master United States ship “Hound,” Macao.

Mr. Palmer to Mr. Marcy.

CONSULATE OF THE UNITED STATES OF AMERICA
FOR THE PHILLIPINE ISLANDS,
Manilla, November 9, 1855.

SIR: I have to acquaint you with a very tragical occurrence which has taken place in this bay during the past month, on board the ship (American) "Waverly," the principal facts of which, as near as I can learn, are as follows:

The "Waverly," bound from Swatao to Callao, with 450 Chinese coolies, put in here on the 25th ultimo, the captain (Wellman) having died a few days before, and the mate not thinking it prudent to continue the voyage without another officer, he came in here for that purpose.

On arriving he was visited by the port captain, and through some misunderstanding between Mr. French, the acting captain of the ship, and the government interpreter, it was reported that the vessel had dysentery on board; (the visiting doctor says that Mr. French reported the late captain, several of his passengers, as having died of that disease, and that others were sick; Mr. French, I am told, says he did not say so;) this, with the fact that the body of the late captain was still on board, alarmed the authorities, and the ship was placed in quarantine.

The day following she was ordered to Carito, about six miles distant, to undergo observation, and that such measures might be there taken in regard to her as the case required. On the 27th ultimo, while preparations were being made to bury the body of the late captain, the Chinamen believing that they arrived at their port of destination, wished to go on shore, and attempted to take possession of the boats in order to do so. The captain, to prevent them, fired into them, and the crew, fearing a revolt, armed themselves, and the Chinamen were, after a short struggle, driven below and the hatches closed up, and on opening them some twelve or fourteen hours afterwards it was found that nearly three hundred of the unfortunate beings had perished by suffocation.

The bodies were buried immediately, and the authorities, after discovering that there was not, nor had been, any contagious disease on board ship, released the vessel from quarantine, and have placed the captain and crew into prison until the tragical affair can be investigated.

The captain says that during the time the hatches were closed he asked for aid from the guard boats that were alongside, but was refused any, and that he had no idea there was not ventilation enough in the between decks to give air to the Chinamen, and fearing they might overpower him, he kept the hatches on, which resulted in the unfortunate manner as before related.

The captain and crew are in prison here, and I have had no communication from him, nor have I been able to see him, it being strictly forbidden for any body to do so.

I have demanded of the commandant of marine an official account

of the facts as far as known, and in answer he told me he had sent my inquiry to the marine court, from whom I have not yet received any reply; but in an interview I had with the commandant he told me, verbally, that he, as yet, had received no official statement of the facts, and only knew what everybody else did in relation to it, by rumor.

The ship is not detained by the government, but as the coolies, captain and crew are, she will naturally wait, and it may be a long while before she will get away.

The above are the principal items that I have been able to learn in regard to this truly terrible affair, and it yet remains to be seen how far culpable the officers and crew of the ship have been in the death of so many unfortunate beings.

The principal features in the case are the misunderstanding, in the first place, between the visiting doctor and the captain, and which resulted in placing the ship in quarantine, when it was afterwards found there was no reason or necessity for so doing, and the fact that the captain asked for aid from the government boats alongside, which was refused.

These facts, if true, will come out on the trial of the men, which I suppose will take place as soon as possible, but which will naturally be of long duration.

I shall communicate, also, with the commanding officer of the squadron at Hong Kong, and will also put you in possession of any new features, with care, that may come to my knowledge.

I have the honor to be, sir, your obedient servant,

H. N. PALMER,
Acting Consul.

Hon. W. L. MARCY,
Secretary of State, Washington.

Mr. Palmer to Mr. Marcy.

CONSULATE OF THE UNITED STATES OF AMERICA
FOR THE PHILLIPINE ISLANDS,
Manilla, December 6, 1855.

SIR: I wrote you on the 9th ultimo, giving you an account of the horrible affair that had taken place on board the ship (American) "Waverly," in this port.

Since that time but little new has transpired in relation to the matter, as the government have not yet finished taking the "summary" or preliminary investigations, but they are using all dispatch possible, and will, no doubt, soon finish it, when the officers and men, or those of them implicated as being culpable in the matter, will be tried.

The officers and crew are still in jail, but the ship has been given over in charge to her consignees, and is at liberty to go on her voyage.

I have seen Captain French several times, and his account does not differ materially from the one sent in my last, with the exception, that he says he did not ask for aid from the gun-boats alongside, nor inform them nor the authorities on shore that any trouble had taken place between him and his passengers. It also appears that the hatches were opened once about 3 o'clock p. m., in order to allow some water to be brought on deck; and that Captain French and several men went below, and he tells me that, at that time, he saw nothing out of the way, but that one of the Chinamen making a motion to throw something at him, he shot him with his revolver. I have communicated with the commodore of the squadron in China, and from him I learn that the sloop-of-war "Vandalia" will proceed to this place with as little delay as possible.

By the American barque Constance, Captain Chandler, I send the effects of the late captain of the "Waverly," Mr. F. O. Wellman; they are consigned to the collector of the port of Boston, to whom I write in relation to them, requesting him to deliver them to his family, or any person authorized to receive them.

I have the honor to be, sir, yours, respectfully,

H. N. PALMER.

Hon. SECRETARY OF STATE, *Washington.*

Mr Parker to Mr. Marcy.

[Extracts.]

[No. 4.]

LEGATION OF THE UNITED STATES,
Macao, February 12, 1856.

SIR :

* * * * *

I respectfully invite your attention to the accompanying documents (enclosure E) regarding the coolie trade, and, with your permission, will suggest the propriety of the two translations, emanating from the Chinese at Amoy and Canton, being handed to one of the Washington papers for publication, as it is desirable the public should understand the form the slave trade has assumed in the nineteenth century!

The statistics of the coolie trade for 1855, at Swatou, an illegal port, even for legal trade, is as follows :

| | | | | | | | Ships. | Tonnage. | Coolies. |
|----------|---|---|---|---|---|---|--------|----------|----------|
| American | - | - | - | - | - | - | 5 | 6,592 | 3,050 |
| British | - | - | - | - | - | - | 3 | 3,821 | 1,938 |
| Chilian | - | - | - | - | - | - | 1 | 500 | 250 |
| Peruvian | - | - | - | - | - | - | 3 | 1,860 | 1,150 |
| Total | - | - | - | - | - | - | 12 | 12,773 | 6,388 |

* * * * *

From an official source, I learn that the number of *males* imported as coolies from Calcutta and Madras, from 1845 to 1852, into British

Guiana and Trinidad, was 1,700. It is not surprising the British government has taken up this subject, and that Parliament has legislated upon it.—(Vide enclosure, English government Gazette, act of Parliament August 14, 1855.) This act confiscates, not only British, but ships *not* being *British*, if found without the prescribed papers, and in British dominions.

I am apprehensive that something more than leaving United States merchant vessels to their fate, if engaged in this inhuman traffic, will be necessary; and I respectfully suggest the necessity of specific instructions emanating from the Navy Department to our men-of-war on this station, authorizing them to prevent resort to illegal ports, and to examine such vessels as do, and ascertain that they do not offend against law, and to make them accountable if they do.

* * * * *

With sentiments of esteem and distinguished consideration, I have the honor to remain, sir, your excellency's most obedient servant,
PETER PARKER.

Hon. W. L. MARCY,
Secretary of State, Washington.

[Enclosure E.]

CIRCULAR No. 1.

LEGATION OF THE UNITED STATES,
Macao, January 24, 1856.

SIR: I herewith enclose, for your information, a "public notification," of the 10th instant, with Chinese translation, in relation to the coolie trade, and you are hereby instructed to communicate the same to such local authority at your port as you may deem proper.

I have the honor to be, sir, your very obedient servant,
PETER PARKER.

Copies of above addressed to O. H. Perry, United States consul, Canton; Caleb Jones, United States consul, Foo-chow; Thomas H. Hyatt, United States consul, Amoy; D. B. McCarter, United States vice consul, Ningpo; M. W. Fish, United States vice consul, Shanghai.

To his Excellency Dr. P. Parker, commissioner and minister plenipotentiary to China from the United States of America.

HONG KONG, *January 7, 1856.*

SIR: I take the present occasion to congratulate you upon your safe arrival in China, after an absence of some months from this country, where so many years of your past life had been spent, and where you

now propose to spend some time, holding the high office as above stated.

Another object in addressing your excellency at this early date after your arrival, is to ask your opinion about coolie trade as now conducted, and whether or not the government of the United States consider the carrying of coolie emigrants in American ships as a lawful trade, and one in which, should such vessels engaged meet with any opposition by the Chinese government, or should these vessels in the pursuit of this trade be obliged to put into foreign ports, and cases arise, such as have recently occurred at the port of Manilla, (of the circumstances connected with which your excellency may be familiar,) could the owners of such vessels receive assistance from the government of the United States in the event of trouble, and the Chinese demand their release from any contract as now made. The writer, acting as agent (and being a part owner of ships) for one of the most respectable firms in the United States, and having several ships laden for Peru and other places, has recently heard that the government of the United States discountenance the carrying of coolies, and knowing that the mercantile house alluded to would not wish their agent to enter into any trade considered illegal or immoral. Some months since the writer received orders from these friends to send to Rio de Janeiro some 2,000 Chinese, under contract made with the minister of the Brazilian government, and bound the members of the house in the sum of £2,000, to have their agent send such number of men within the term of eighteen months from June last. In conformity with such instructions as I then received, part of the Chinese were embarked on board the ship "Sarah," and sailed for that country on the 26th December. Messrs. Sampson & Tappan, in good faith for the fulfillment of this engagement with the minister of Brazil, have sent ships and money to have the contract completed. There is a clause in this contract which makes the proviso, that should the government of China or the United States look upon the traffic as illegal, then the contract is null, and the agent, of course, not bound to send such emigrants, neither can the Brazilian government exact said £2,000, or any part of it, and I trust your excellency may be pleased to grant the writer such document, under your official seal, as may warrant the non-fulfillment of the contract, and not be held liable by the said government of Brazil for the payment of the amount specified in said bond.

The coolie trade, as it has been conducted in China, has always been obnoxious to the writer, and it has been only as acting for my friends as agent, that I was induced to enter into the trade. So long as the government of China, as I understand it does, prohibits the people from emigrating, and that many who have gone have done so under or by false representations by the shroffs or crimps, who enter the country and induce men from the remote provinces to come to the sea coast and embark on board foreign ships, and by contract to serve in a far country for the term of five or eight years. Convinced that my friends supposed that those who embarked in their ships came from the country freely and of their own accord, as those do who have gone to Australia and San Francisco, I had stated the facts of the

case to them, and they order me now to abandon such trade if not strictly legal and moral.

Should the governments of the United States and England, through their ministers, make such alterations by treaty with China, that men may freely leave their country to go where their labor is wanted, and said governments appoint agents to see that proper ships and all necessaries are found for the carrying such free men to leave their country, and to adopt such measures as to avoid the evils and abuses of the coolie trade, then it may be a benefit to such emigrants and give employment to many ships in carrying such men to a distant country. I have had recent letters from Amoy, that the trade is becoming dangerous, and one captain of an American ship had been seized by the friends of those on board and held as hostage until they should be released. He was, however, released by some sailors who came to the rescue. My letters from Callao also state that many evils and abuses had occurred on board ships, and many deaths had occurred, and the English consul had found it necessary to make strict enquiries, the result of which will probably be represented to the government of his country. All of which proves that the business is badly conducted, and, should your excellency desire, many facts can be brought to your notice.

Your excellency, I trust, will be pleased to give the writer an early reply, and, if possible, such document as is asked for in time to forward by the mail of the 15th January.

Very respectfully, your obedient servant,

C. D. MUGFORD.

LEGATION OF THE UNITED STATES,
Hong Kong, January 14, 1856.

DEAR SIR: I have the honor to be in the receipt of your communication of the 7th instant, in relation to the Chinese Coolie trade, and enclose for your information a public notification of the 10th instant upon that subject, and have to refer you to the same for my views upon the several questions you have referred.

With a high appreciation of your friendly sentiments, I have the honor to remain, sir, very respectfully, your obedient servant,

PETER PARKER.

C. D. MUGFORD, Esq., *Hong Kong.*

PROCLAMATION ISSUED BY THE SCHOLARS AND MERCHANTS OF AMOY.

Notice, being an exposure of, for the purpose of counteracting, the artifices of hardened miscreants who impose on the people and seduce them to their destruction.

From the time that the barbarians began to trade at Amoy, they have had the practice of buying people to sell again; subjecting those

guiltless of crime to cruel treatment, and employing evil-disposed and traitorous natives to entice away peaceable people. These agents, styled brokers, consisting of some scores intimately leagued together, would attach to themselves several hundreds of others, and removing all restraint from their inordinate cupidity, would follow the course of their interest wherever it might lead, without any scruple. They have daily in the country, along the coast, sought about in all directions for persons whom they might entice away, with the end of making gain for themselves by the detriment of others. By the prospect of minute advantage they drew away lonely and destitute persons, while they held out alluring baits to seduce the younger members of settled families. Their tricks were innumerable, and they would dexterously conceal their real designs. They would pretend to hire their victims for employment by which they might realize a livelihood, and then drive them into the pits prepared; or they would cheat them with promises of advantage, (here some Malay words are used which are unintelligible,) and thus get them within their power; or perhaps would invite them to travel and divert themselves, and so urge men to destruction. Every kind of abomination they were addicted to. The ignorant country people have many times thus been lost in numbers. From souls so abandoned to covetousness every spark of innate right feeling must have departed.

The men being inveigled to barbarian houses and ships, are publicly sold. When once amongst them they cannot understand their gibberish, and they are kept in close confinement. They may implore Heaven, and their tears may wet the earth, but their complaints are uttered in vain. When carried to the barbarian regions, day and night they are impelled to labor, without intervals even for sleep. To advance or retreat is equally impossible to them; death is their sole relief.

Moreover, they can transmit or receive no intelligence, none knows whether they be alive or dead, and the hearts of their parents and families are torn with anxiety. The succession of their families is cut off, an injury for which nothing can atone. Alas! those who, living, were denizens of the central flowery country, dead, their ghosts wander in strange lands. O, azure Heaven above! in this way are destroyed our righteous people.

Our present suggestion is, that the benevolent and respectable public shall unite in exercising their influence to repress these practices. Let fathers caution their sons, and elder brothers their younger brothers, for seeing the evil and guarding against it. Let none misguidedly lend themselves to promote the schemes of wicked traitors. Let us mutually warn each other, and point out to all men the roads which, if life to one, are of death to ten thousand. We venture, as above, to express our humble but sincere and heartfelt sentiments, trusting that they may receive the consideration of the public.

Notification by the scholars and merchants of Amoy.

A true translation.

M. C. MORRISON.

Can the following facts be tolerated?

Man, being born of heaven and earth, who is without a father and a mother, and who is not either a man or a woman, and how can they be deceived by men, and fall into their snares?

Now, I saw in the port of Macao innumerable persons engaged in the traffic of buying and selling Chinese, and I know this to be the fact from personal knowledge and observation.

There are already in existence five places, vulgarly called "Chü-tsze Kwan," or "Pig Pens," one at Hwa Wang Kee; one at Puh Ma Hong; one at Hia Wan Kee; one at San Tsing Lou, under the sign of Tsung Kai Kee; but the one that has the most men is at Sha Lan Tsze.

Each baracoon procures its men from swindlers, who obtain them through deception. The price they pay for each head is eight dollars. They frequently purchase and keep them in readiness, so that one of these baracoons may have several tens of men, and another several hundreds. They wait to embark together, and all are shipped to foreign countries, where they are resold for perhaps over a hundred dollars per head.

After their persons are thus sold they then turn the bodies of the Chinese into fish baits, by which Bèche de Mer is obtained, or make use of their persons as beasts of burden, in which capacity they undergo all the hardships incident to the clearing of wild lands, or else they place their persons in the brunt of an engagement, where they have to brave the hazards of the cannon. Besides, there are other unknown evils in their becoming slaves to foreigners, and their being used by them at their own will, evils, too, of many forms.

But how are these men seduced? Plainly because at the outset they are often taken in by swindlers, who would address them as follows:

"I have a relation who keeps a carpenter's shop at Macao; he is desirous of employing a cook. By my recommending you to his shop you will receive in the first year a few moce per month for your wages. Your apprenticeship will expire at the end of three years; in that case your monthly wages will be four dollars." Upon seeing a neat and slender fellow, he would say, "I should like to recommend you to a foreign house as a servant." Meeting with the stout and strong, he would say, "There are men who would furnish you with a capital, and I should like to go with you to California."

Finding his victim wealthy, talented, and young, he would accost him and say, "I should like to accompany you to see the sights, and take you with me to a refreshment room."

Thus he watches opportunities and adapts himself to circumstances, employing, moreover, numerous plans and schemes, which cannot be discovered and stated, to seduce his victims. When once the simpletons credit his fair speeches, they are then forthwith accompanied by him through Tih Hing Kee (Howqua's street) in Canton, where they step on board a Macao fast boat, that serves as a jail for criminals.

On the next day they are hurried down to Macao, where, upon landing, they repair to the baracoons; there they are taught what to say,

and as they pass muster or examination they are not permitted to cry aloud. If any foreigner should question them, each is obliged to say, that he is poor and cannot see his way to obtain a livelihood, and that he takes pleasure in selling his person. But if any should disobey these instructions, the scolding and the lash would inevitably be increased.

Though some who reached this hell of earth against their own inclinations, yet they could not help it; for this reason some undertook to escape by climbing over walls, but were recaptured by foreign devils, and were accordingly flogged to death before the rest as a warning. In one of these baracoons, some have even gone so far as to commit suicide by hanging themselves. I have known of ten such cases.

But some of those who perished deserve pity, others do not. Those who do not, were the rebels found among them. Since we could not decapitate them for their crime, still we may thank their enemies for having put an end to them. But those who deserve pity were some virtuous private citizens found among them, who never could return to serve their parents, and were hopeless as regards supporting their wives and children. If I still desire to harbor and suppress such facts as these, how can I face heaven and earth?

Therefore, whenever an individual is missing, first let a notice be issued and search be made at different places; then one ought to repair immediately to the baracoons at Macao, and solicit a foreigner to make an inquiry of the superintendent of the "pigs," as to which of the baracoons the missing person was sold. He assuredly can be seen and his whereabouts known. The superintendent of the "pigs" will, of course, demand the sum of five dollars for the passage and board, before he would allow the person to be redeemed. Should he be dissatisfied with this sum, one ought then, by all means, to go to the senate of Macao for consultation. The foreign magistrate will undoubtedly decide the matter according to equity; he takes no fee for it; he is able to deliver the person back, but if the man had passed over to the hands of foreigners, it would be difficult to recover him. I have experienced all these things myself, there is nothing empty in what I say.

If every parent and friend should circulate this matter far and wide, and admonish the wealthy, the talented, the sons, and the nephews, who live in the neighboring villages, to be particularly on their guard; if, in like manner, the poor, who hire themselves out as domestic servants, together with motherless children should be treated with greater compassion and be made fully acquainted with my advice; should these things be done, till we see that both those who are of age should escape the danger that besets them, and those who are under age would not hear deception, then this anonymous effort of mine will be of infinite service.

Respectfully submitted by the Youth's Assistant and one who cannot endure these facts.

CANTON.

N. B. This paper was first published in Canton, in October, 1855, and recently a second edition of 3,000 copies has been circulated.

TRANSLATOR.

Mr. Trousdale to Mr. Marcy.

[Extract.]

[No. 48.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 13, 1856.

SIR:

* * * * *

A dispatch was received at this legation from Mr. Gillmer, United States consul at Bahia, dated 30th January, 1856, which stated that the Brazilian brig-of-war "Olinda" had captured, on the day previous at the port of "St. Matheus," the schooner "Mary E. Smith," of New Orleans, with over three hundred and seventy African negroes on board; that the vessel, captain and crew had been taken into the port of Bahia, and that most convincing proofs of criminality, as a slaver, existed in the case. On the 4th instant I wrote to the secretary of foreign affairs, stating the facts as related by Mr. Gillmer, and requesting that he would inform me, when convenient, what action the Brazilian government would take in the matter. His excellency answered my note yesterday. Enclosed herewith are copies of the dispatch of Mr. Gillmer, of my note to the Secretary of State, and also to Mr. Gillmer, and the answer of the secretary of foreign relations to me, marked A 48, B 48, C 48, D 48.

* * * * *

I am, sir, very respectfully, your obedient servant,

W. TROUSDALE

Hon. W. L. MARCY,
Secretary of State.

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A 48.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, January 30, 1856.

SIR: I enclose a paragraph taken from the "Diario da Bahia" of to-day, relative to a schooner captured by the Brazilian brig-of-war "Olinda" at the port of St. Matheus, to the south of this, with over three hundred and seventy slaves on board. On the stern of the schooner is painted "Mary E. Smith," of New Orleans, from which port said schooner sailed last spring. I am told she was overhauled in the Mississippi after leaving New Orleans, on suspicion, but for want of proof released, having at length turned up here with the most convincing proofs of criminality, to the disgrace of our country's flag.

At present I know no further particulars, but hasten to inform you of the fact, for combined action with the government in Rio, if you should deem it expedient, desiring to receive, as early as practicable.

any suggestions you may deem proper as to the course necessary for me to pursue in the premises.

I have the honor to be, respectfully, your most obedient servant,
J. S. GILLMER.

Hon. W. TROUSDALE,

*Minister Plenipotentiary of the United States,
Rio de Janeiro.*

B 48.

[No. 94.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 4, 1856.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, presents his compliments to his excellency José Maria da Silva Paranhas, of the council of his Majesty the emperor, minister and secretary of state for foreign affairs, and would inform his excellency that he has received a dispatch from the United States consul at Bahia, stating the fact that the Brazilian brig-of-war "Olinda," on the 29th ultimo, at the port of St. Matheus, had captured the American schooner "Mary E. Smith," which had on board over three hundred and seventy slaves.

The undersigned requests his excellency, at a convenient time, to inform him what action the Brazilian government will take in relation to the vessel and crew thus captured.

The undersigned avails himself of this opportunity to renew to his excellency the assurances of his esteem and distinguished consideration.

W. TROUSDALE.

His Excellency

JOSÉ MARIA DA SILVA PARANHAS, &c., &c., &c.

C 48.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 5, 1856.

SIR: Your dispatch of the 30th ultimo has been received, which contains the mortifying intelligence that the American schooner "Mary E. Smith" had been captured by the Brazilian brig of war "Olinda," at the port of St. Matthews, with over 370 slaves on board. I was informed about six weeks ago of the departure of this vessel from Boston in August last, under suspicious circumstances. I learn she was followed from that port and overtaken, but refused to return and pursued her voyage, as she alleged, for Montevideo.

This is a case of guilt well defined within the provisions of the act

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of Congress passed the 15th May, 1820, constituting the African slave trade piracy and punishable with death.

By the law of nations this trade was not piracy, but was considered respectable, and practiced by most of the European nations. Piracy, under the law of nations, may be tried and punished in the courts of justice of any nation, by whomsoever and wheresoever committed; but piracy created by municipal statute can only be tried by that state within whose territorial jurisdiction and on board of whose vessels the offence thus created was committed.

I am not advised as to the action intended to be taken by the Brazilian government in the case of the "Mary E. Smith." I have stated the law of nations, as I understood it, in relation to this case.

I have addressed a note to the secretary of state for foreign affairs, requesting his excellency to inform me what action will be taken by the Brazilian government in the case of the schooner "Mary E. Smith." This note has not been answered. I send you a copy.

I am, sir, very respectfully, your obedient servant,

W. TROUSDALE.

J. S. GILLMER, Esq.,

United States Consul, Bahia, Brazil.

D 48.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Rio de Janeiro, February 12, 1856.

The undersigned, member of the council of his Majesty the emperor, minister and secretary of state for foreign affairs, has the honor of acknowledging receipt of the note under date of the 4th instant, through which Mr. William Trousdale, envoy extraordinary and minister plenipotentiary of the United States, requested to be seasonably informed in reference to the proceedings intended by the imperial government as to the American schooner "Mary E. Smith" and her crew, captured by the Brazilian hermaphrodite brig "Olinda," in the port of St. Matthews, said schooner having on board a cargo of Africans.

The undersigned, hereby meeting the request of Mr. Trousdale, has the honor of informing, that as stated, the hermaphrodite brig of war "Olinda," one of the cruisers on the station of Bahia, succeeded in capturing on the bar of the port of St. Matthews, in the province of Spirito Santo, the schooner "Mary E. Smith," with 350 Africans aboard; and that the prize and its crew, as well as other guilty parties, will be amenable to the prosecution and sentence prescribed by the Brazilian law of the 4th of September, 1850, and the regulation of the 14th of October of the same year.

The undersigned will further this preliminary information by adding, that according to the data months ago in possession of the imperial government in reference to said schooner, she sailed from Boston

in August last, and that the authorities themselves of the United States had suspicions of her being intended for the slave trade, suspicions which have, unfortunately, been realized.

The undersigned improves this opportunity to renew to Mr. Trousdale the assurances of his sincere esteem and distinguished consideration.

JOSÉ MARIE DE SILVA PARANHOS.

Mr. Robertson to Mr. Marcy.

[No. 34.]

CONSULATE OF THE UNITED STATES,
Havana, April 5, 1856.

SIR: On the 28th ultimo an American shipmaster, named William Lang, arrived in this city by land, reporting that the vessel under his command (the clipper-ship "Sea Witch," of New York, of 907 tons, belonging to Messrs. Howland & Aspinwall,) having on board about five hundred coolies, had that morning gone on shore upon the reefs situated about fifteen or twenty miles to the westward of Havana, and that after great exertions he had succeeded in finding a place to land and come after assistance. Captain Lang did not apply to me but to the agents of his owners, and to the consignee of the coolies. The latter reported the case to the authorities, and the admiral immediately sent out two war steamers; the agent on his part dispatched a steam tug and two lighters to the place where the vessel was. The crew, coolies, and a great many of the ship's appurtenances were safely landed; the hull, it is believed, will be lost. I have the honor to enclose you copies of the correspondence on this affair between the admiral and myself.

This is the second cargo of Chinamen brought here under our flag within a few days; the first cargo, consisting of about 375, was brought from Hong Kong by the clipper-ship *Sword Fish*, of 1,034 tons, Captain Osgood. Two or three days after the *Sword Fish*, a Spanish vessel came in with about 200 more.

The greater part of the *Sea Witch's* crew are still in this port.

With great respect, sir, your obedient servant,

WM. H. ROBERTSON,
Acting Consul.

Hon. WILLIAM L. MARCY,

Secretary of State of the United States, Washington.

CONSULATE OF THE UNITED STATES,
Havana, March 31, 1856.

MOST EXCELLENT SIR: I had the honor to receive yesterday your excellency's very interesting communication informing me of the arri-

val in this port, on the afternoon of day before yesterday, in her Catholic Majesty's steamers "Congresso" and "Guadalquiver," and other conveyances, of the crew and Chinese emigrants from the wrecked American clipper-ship "Sea Witch."

I have witnessed with much pleasure and high appreciation the prompt efforts made by your excellency's orders in behalf of the shipwrecked, and which have been crowned with so much success. My government, to whom I shall make known the valuable services thus rendered to one of our ships by her Catholic Majesty's vessels, will, I feel sure, highly value them. As to the ship, the captain, previous to his departure in the "Congresso," on the evening of last Friday, told me that he entertained little or no hope that she could be got off.

I beg leave to express to your excellency my most sincere acknowledgments for your kindness to my countrymen and attentions to myself, and remain, with considerations of great respect,

Your excellency's very obedient servant,

The Commercial Agent in charge of the Consulate.

His Excellency Señor Don MANUEL DE QUESADA,
*Commander-in-Chief of her Catholic Majesty's
 Naval Forces in this station, &c., &c., &c.*

[Translation.]

OFFICE OF THE COMMANDER GENERAL OF
 MARINE OF THE HAVANA STATION,
Havana, March 30, 1856.

The captain of the port having reported to me on the afternoon of day before yesterday of the American ship "Sea Witch," with Asiatic colonists being aground four leagues to the westward, I ordered immediately the departure of the steamers Gaudalquiver and Congresso, with the object of saving the shipwrecked, the latter having effected it one hour after; the former having had to wait for the captain of the lost vessel, who guided to the spot of the disaster.

I have the satisfaction to inform you that yesterday afternoon, anchored in this harbor, after their return from their commission the said steamers, and one of the traffic of this port, bringing all the shipwrecked persons, without any effort having been made to save the hull of the ship, owing to the bad state it was in.

God preserve you many years.

MANUEL DE QUESADA.

The CONSUL of the United States in this city.

Mr. Robertson to Mr. Marcy.

[Extract.]

CONSULATE OF THE UNITED STATES,
Havana, July 7, 1854.

"SIR: The brig Grey Eagle was brought into this port a prize, some days since, having been engaged in the African trade. She had landed between 400 to 500 slaves, about fifty miles to the westward of the port. When taken, she was lying in a small bay and first discovered by an English man-of-war, which took possession of her, finding no one on board. The crew had apparently just left her. She was found already fitted for another voyage; but a Spanish brig-of-war, lying a short distance from her, made claim to her as their prize, and the Englishman give her up, and she is now in this port.

"Grey Eagle, of Philadelphia, is painted on her stern." * * *

I have the honor to be, sir, with great respect, your ob't servant,
WM. H. ROBERTSON,

Consul General.

Hon. WM. L. MARCY,
Secretary of State of the United States, Washington.

Mr. Robertson to Mr. Marcy.

[Extract.]

[No. 98.]

JULY 20, 1854.

I beg leave to call your attention to the copy, herewith enclosed, of a communication addressed to me on the 15th instant by the mixed court of justice which is investigating the case of the captured brig "Grey Eagle." I replied on the 17th that I would endeavor to procure from the United States the information that the court wished to obtain, and to this effect have addressed the collector of Philadelphia.

Late on the 18th, after a diligent search for some one that had belonged to the crew of that vessel, I found a young American seaman who gave his name as Joseph Town, of Philadelphia. I immediately took his deposition, (a copy of which I send herewith,) and learning therefrom that the captain (Donald) had already left for New York, and with the intention of taking charge there of another vessel to proceed to Africa after more slaves, I availed myself of the sailing of the barque Leo, Captain West, on yesterday morning for New York, to send the young seaman in her, at the expense of the government, and subject to the United States district attorney, who will be thus enabled, if it is deemed proper, to make use of the seaman to discover Donald and such other parties as were concerned in the affair, and have them dealt with according to law.

The seaman Town is quite intelligent, and if his statements are truthful, it is very possible that through him the district attorney may succeed in discovering Donald and having him convicted and pun-

ished. A few examples, where the full force of the law is applied, will have the salutary effect of deterring others from engaging in that nefarious trade in our country. No doubt can exist that the greater part of the vessels engaged in the slave trade are fitted out in New York and other ports of the United States. This practice must be discontinued, if it is desired to put a stop to the trade. I do not believe that all the serious exertions of the authorities of Cuba will stop that trade here.

Mr. Savage to Mr. Marcy.

[Extract.]

[No. 113.]

CONSULATE OF THE UNITED STATES,
Havana, August 28, 1854.

SIR: Since the date of my communication No. 111, nothing worthy of being made the subject of a dispatch has taken place here.

Having received a letter from the United States attorney in Philadelphia, announcing the arrest and commitment for trial of Captain Darnand, of the brig Grey Eagle, and desiring this office to procure more evidence to strengthen the case for the government, I have endeavored to obtain personal evidence, but, as I expected, unsuccessfully. It is believed that none of the crew are here. Some of the slaves landed from that vessel were captured on the road by the lieutenant governor of the district, but the number taken being very small the captain general had him arrested, and he is now undergoing trial. I do not believe that his evidence, if it could be obtained, would be reliable.

I applied to the British consul general for information, and he has furnished me the description and dimensions of the Grey Eagle, as well as of every article of a suspicious nature found on board. This document I will forward to the district attorney in an authenticated form.

I have also applied to the captain general for all the evidence and information in his possession, bearing upon the case for the use of the district attorney. He has assured me that he had given directions that the papers be prepared as soon as possible, and that he will then transmit them to me. Whether all these documents may be made available or not for the trial, I am not able to decide, but I have no doubt that they will be important to the government, who will, through them, be placed in possession of all the facts connected with the capture and trial of a vessel that to all appearances must have been American.

* * * * *

I have the honor to be sir, with great respect your obedient servant.

THOMAS SAVAGE,

in charge of Consulate.

Hon. WILLIAM L. MARCY,

Secretary of State of the United States, Washington.

Mr. Savage to Mr. Marcy.

[No. 116.]

CONSULATE OF THE UNITED STATES,
Havana, September 6, 1854.

SIR: In answer to your dispatch of the 17th ultimo, I have the honor to state that the seaman George Howell, whose affidavit, taken before Mr. Acting Consul Robertson, has been by you forwarded to the United States district attorney in Philadelphia, after his somewhat singular conduct in not going per brig *Volante*, as intended by Mr. Robertson, was found by me at last and prevailed upon to go to New York and place himself at the disposal of the United States attorney at New York. He left this port with a letter from me to that officer, per American barque *John Potter*, on or about the 14th ultimo.

I have, at the request of the attorney for the eastern district of Pennsylvania, endeavored to procure evidence for the trial of Captain Darnand or Donald, of the brig *Grey Eagle*, and by the same conveyance that takes this, as well as by a former one, have sent him a number of official documents, which I hope may prove available. I even applied to the captain general for evidence and information, but cannot say whether such as he has furnished me will avail much to the government attorney. I have asked this officer to forward all the documents, in case they do not serve his purpose, to you, whom they must be useful to, as they refer to a vessel that to all appearance must have belonged, if she does not belong now, to the United States.

The mixed court of justice here, before which the case of the *Grey Eagle* is now pending, requested Mr. Robertson last month to inform them whether that vessel was American, or had been so; their object is to ascertain whether she was transferred at the coast of Africa to other parties, so that she ceased to be American property. It appears that by the stipulations of the treaty of 1835, establishing that court, it has no jurisdiction but upon English or Spanish vessels engaged in the slave trade. If it is therefore established that the *Grey Eagle* never ceased to be American, the court must place her, uncondemned, entirely under the control of the Spanish government, who, when this should occur, would no doubt condemn her for a violation of their own laws, in having landed a cargo of African slaves on the coast of Cuba. She was found, as alleged, in the bight of "*La Ortigosa*," entirely abandoned, without flag, papers, or crew, after she had landed her cargo. She was captured by the British war brig *Espiegle*, but a Spanish war vessel claimed her as her prize, under the plea that one of the officers on shore had already seen and taken possession of her, and she was given up by the *Espiegle*. I have understood that she was, however, subsequently acknowledged to be the *Espiegle's* prize.

Reverting to your dispatch, I will say, in conclusion, that so long as I have charge of, or in any way connected with, this consulate, I will at all times use my utmost efforts to ferret out and bring, if possible, to condign punishment any parties who bring disgrace upon the

flag of the United States, especially such as use it for the abominable traffic in slaves.

I have the honor to remain, sir, very respectfully, your obedient servant,

THOMAS SAVAGE, *Acting Consul.*

HON. WILLIAM L. MARCY,

Secretary of State of the United States, Washington.

Mr. Savage to Mr. Marcy.

[No. 119.]

CONSULATE OF THE UNITED STATES,

Havana, September 7, 1854.

SIR: On the 29th ultimo I received information, confidentially, that several seamen, with about one hundred and seventy *bozal* negroes, had been captured in the vicinity of Güines, about thirty-six or forty miles from this city, and that two of the seamen were apparently Americans. It was corroborated on the 31st, when I learned that the men had been brought here by the railroad on the day before. Presuming that they were in the public jail, I called there on the same day, and found eight men, six of them Portuguese, and two evidently native Americans. I conversed with these two, who gave me their names as Mark Chauncey, of Philadelphia, and William Winn, of Maine. I judge that they are Americans from their appearance, language, and manners. They stated that they shipped on or about the 5th of March last, at the office of regular shipping masters, in New York, whose names they gave, but I cannot now recollect, for the schooner "Esperanza," of New York, then lying in said port, to proceed to the Cape of Good Hope on a lawful trading voyage. Being asked by me the names of the captain and mate, they said that they did not know; that the captain was always called *captain*, and the mate's name never was mentioned in their hearing; that they were both Portuguese, to judge from their accent, but spoke the English language fluently, and must be naturalized American citizens. The other men, who were present when I was interrogating the two Americans, stated that they are also American seamen, but they are evidently Portuguese, and produced no papers. They accounted for this, saying that their papers had been stolen from them. The two Americans went on, saying that they went on board the "Esperanza" in the morning, a steamboat was alongside, the schooner cast off, and immediately went to sea under American colors. I asked them if they knew at the time of leaving New York what cargo the vessel had on board. They answered that they did not see the hatches taken off until they arrived at the coast of Africa, at a place without houses, where they discovered that she had nothing but provisions and other articles for the slave trade. A cargo of about four hundred and fifty negroes was there brought on board in launches and canoes; that they had no other recourse but to come in the vessel; that they had a passage of about sixty-seven days going to the coast, and about forty-

eight on the way to Cuba. No flag was ever hoisted on the return passage. Arrived at the south side of the Isle of Pines, where the cargo, now reduced to four hundred and nine negroes, (the rest having died on the passage,) was landed, together with all the crew, and the *Esperanza* was burnt; that they remained twenty days at the Isle of Pines, where provisions were very scarce, and the negroes would go into the bushes and get poisonous beans, snakes, &c., and eat them, which caused the death of a very large number, so that there were only about three hundred and thirty-five left; that two schooners of the coast then came. The captain, mate, and cook, (this last is said to be also an American,) with about one-half of the negroes, embarked in one of the schooners, the crew and the rest of the negroes (about one hundred and seventy) embarked in the other. The schooner having their captain on board, being a faster sailer than their's, they soon lost sight of her; that they supposed they were all going to the same place, but after seven days, being short of provisions, the master put into Rosario, and there landed the crew and negroes. They remained about ten days at Rosario, and finally were all detected and arrested by the lieutenant governor of Güines, who had them conveyed to that place, and afterwards sent them to Havana. They also stated, in reply to a question from me, that they had not received one single dollar but the advance that they got in New York. They also declared themselves to be entirely destitute of means, and without clothes but the ragged ones they had on. They appeared to be aware of their critical situation, and begged me to do something for them, as they had been deceived in New York. They finally informed me that they had written me a letter from Güines, which letter did not come to my hands until the morning of the 2d instant.

On my return to the office, I had a suit of clothing sent to each of the two Americans, and I will endeavor to make them as comfortable as circumstances will permit. I have also requested them to give me, in writing, as full a statement as they can of all the circumstances connected with their case, but unfortunately Chauncey, who is the one that can write well, was taken sick two days after I saw him, and conveyed to the infirmary of the prison, which has prevented his complying with my request. I learn, however, that he is doing well; I shall, therefore, have the statement in a few days.

On the first instant I wrote a communication to the captain general about these men, a copy of which I enclose herewith, together with his excellency's reply, translated into English—these copies are marked A and B respectively. I also accompany a copy of Mark Chauncey's letter from Güines.

The captain general having stated to me that the men will be brought to trial, I will do all I can to prevent any unnecessary delay, will defend them with all the evidence I can bring to bear in their favor, and will watch that they have a fair trial, and are allowed all the facilities granted by the treaty between the United States and Spain. I do not believe that I shall be permitted to interfere, being a mere commercial agent, but I shall waive this circumstance, though on every occasion addressing the authorities in a very respectful manner.

I would suggest that a properly authenticated copy of the Esperanza's original shipping articles, which must be on file in the custom-house at New York, be sent here to serve as evidence that the men were shipped for a lawful voyage.

I will, in conclusion, earnestly request of you to give me such instructions as you may deem proper for this case, to serve as a guide, though those given by you for that of the Jasper's crew, the two cases being quite similar, may be considered as adapted to the present affair.

Hoping that my conduct, thus far, will meet your approval, I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS SAVAGE,
Acting Consul.

Hon. WILLIAM L. MARCY,
Secretary of State of the United States, Washington.

Mr. Chauncey to Mr. Savage.

GUINES, August 28, 1854.

DEAR SIR: I am about to address a few lines to you in behalf of myself and fellow-mariners who are now in the prison at this place. We sailed from New York, bound, as we supposed, for the Cape of Good Hope. When about 61 days out, we made the coast of Africa, when the captain called all hands aft and said he intended to alter the voyage and take on board negroes. All hands immediately refused, upon which he stated we had our choice, either to go ashore on a barren and rocky coast, or consent to remain on his terms, which were a large sum of money each and a passport through Cuba to the United States. Not knowing what course to pursue, he gave us until meridian to consider upon it. At that time four launches came alongside loaded with negroes, who threatened us with putting us on shore, as there were more men ashore who were captured and put ashore on the coast, and would be happy to get on board. Upon which course to take, it was hard to decide; cannibals and starvation one side, and the other a shade better or worse. To shorten the narration, we landed on the Isle of Pines and disembarked the negroes, where we remained 20 days in the woods, sick and half starved. At that time two schooners arrived to embark the negroes. We went on board one schooner and the captain and his party in another. The captain's vessel we lost sight of. We were landed at about a league from Rosario; encamped again in the woods for 7 days, and then made prisoners; arrived here yesterday. I suppose to-morrow we start for Havana, where, if you will condescend to grant me an interview, I will explain everything (I trust) to your satisfaction. There are but two natives of America among us; but all have sailed a long time in American vessels, and, I presume, are considered as Americans. Our clothes, and everything appertaining to us, I suppose are lost or taken by the authorities. We have heard it stated here that we would have no opportunity of writing or seeing you, and therefore avail ourselves

of the kindness of an American lady, resident here, who has kindly tendered to us her services in transmitting this letter to Havana, and also to contribute everything in her power to ameliorate our condition here. All of which is respectfully submitted by your obedient servant,

MARK CHAUNCEY,

in behalf of seven others.

Mr. Savage to Captain General.

CONSULATE OF THE UNITED STATES,

Havana, September 1, 1854.

MOST EXCELLENT SIR: Two American seamen, named Mark Chauncey and William Winn, who are now in the jail of this city, have desired me to render my official services in their behalf for the purpose of obtaining their release. Being anxious to comply with the double duty of rendering them all the assistance I may, though without going beyond the limits conceded to the office I hold, and of correctly reporting to the government of the United States all the circumstances connected with said seamen's case, I would respectfully request of your excellency to inform me of the nature of the offence committed by those seamen which has led to their being imprisoned, and in case that they have violated any law of the country, of what are the intentions of the government respecting them.

I have the honor, &c., &c.,

THOMAS SAVAGE.

His Excellency the CAPTAIN GENERAL.

OFFICE OF THE GOVERNOR, CAPTAIN GENERAL, &c., &c.

Government Secretary's Office, Havana, September 5, 1854.

SECTION 1.—The North American seamen, Mark Chauncey and William Winn, who are in the jail together, with several others, belong as these to the crew of the schooner "Esperanza," that was burnt after landing, on the coast of the Isle of Pines, the bozal negroes that she brought, and being conveyed to the place called Rosario, in the jurisdiction of Guines, were arrested with the negroes that they brought to this place. Consequently they are subject to the proceedings instituted on that account, the decision of which appertains to the royal audiencia, in conformity with the penal law for the repression of the traffic from Africa.

Which I say to you in answer to your said communication.

THE MARQUIS DE LA PEZUELA.

The COMMERCIAL AGENT *of the United States.*

The mail is going. I must send you the two copies by next mail.

Your obedient servant,

THOMAS SAVAGE.

Mr. Savage to Mr. Marcy.

[No. 120.]

CONSULATE OF THE UNITED STATES.

Havana, September 11, 1854.

SIR: I have the honor to enclose herewith the copies mentioned in my communication No. 119, as marked A and B, which, for want of time, could not be got ready. I have not yet received the full statement required of the seaman, Mark Chauncey, he being still unwell, but he has promised to have it ready day after tomorrow. That seaman and his shipmates were, on Friday last, transferred from the cell where they were to another more comfortable, and apart from the mass of prisoners. I have endeavored to ascertain by whose orders they have been bettered so in their condition and all I have been able to learn is, that a Portuguese person residing here had given the directions and bound himself to pay the expenses of room-rent and supplies. I naturally suspected that this person must be either a party concerned in the cargo of slaves that the seamen brought in the "*Esperanza*," or an agent of the owners.

Several days since I saw a person, apparently an American, and a sea-faring man, (in fact, he said that he was a shipmaster, and had come here in command of an American vessel two years ago,) staying at a hotel; he had a boy with him, about 10 years old, whom he called his son, and subsequently, I learned that he had also a dark man with him, whom I did not see, but about whom there was a dispute in the hotel as to whether he was a mulatto or Indian from the Pacific. They all went in the steamer "*Governor Dudley*" on the 7th instant. After they were gone, I heard a boarder of the hotel say that this sea-faring man had acknowledged to him, that he left New York in command of a brig, went to the coast of Africa, and brought a cargo of slaves to Cuba; that when near the coast of Cuba, or the Isle of Pines, the brig got aground and was wrecked; the greater part of the negroes and of the crew being drowned and lost. I have endeavored to find out the man's name, and thus far without success, as no one in the hotel appears to know. On referring to the list of passengers by the "*Governor Dudley*" at her consignees, I see that she carried only two passengers that paid their passages to the consignees, to wit: G. Lopez to Charleston and W. Reed to Key West. No mention is made of the boy; and still I am quite positive that they all went off in that steamer,

Mr. Crawford, the British consul, of whom I have inquired, told me that from some of the negroes saved from the cargo, it was ascertained by means of a Congo Loango negro interpreter, that the brig was chased some distance by a man-of-war, and had a part of her gear shot away, but that she escaped, but probably was lost in consequence of the damage caused by the shot. I heard the Captain accidentally say that his vessel had "missed stays and got aground;" he also told me that he had come from "*San Nicolas*," which is a little town about ten miles beyond Guines, and very near Caimits and Rosario, seaports quite near the Isle of Pines. It struck me at the time as strange that a sea-faring man should have come from San

Nicolas, but could say nothing about it. I do not know that it will be easy to clear up this mystery, but for all that have deemed it my duty to communicate what I have learned so far. Should I obtain further accounts, I will lose no time in making them known to you, for such purposes as may be deemed proper.

The captain general has not yet transmitted to me the information I asked him about the C. B. Hamilton's case.

I have the honor to be, sir, with great respect, your obedient servant,

THOMAS SAVAGE.

Acting Consul.

Hon. WILLIAM L. MARCY,

Secretary of State of the United States, Washington.

Mr. Parker to Mr. Webster.

[Extract.]

[No. 24.]

LEGATION OF THE UNITED STATES,
Canton, January 27, 1852.

SIR:

* * * * *

By the next mail it will be my endeavor to furnish you some statistics of the emigration of Chinese to California.

The favorable reports of those who have returned to China, having been fortunate at the gold mountain, seem to have imparted a new impetus to the tide of emigration, and it is estimated that within the twelve months ending 21st February next, not less than five thousand Chinese will have sailed for San Francisco.

* * * * *

Your most obedient servant,

PETER PARKER.

Hon. DANIEL WEBSTER,

Secretary of State.

Mr. Parker to Mr. Webster.

[No. 27.]

LEGATION OF THE UNITED STATES,
Canton, March 27, 1852.

SIR: From a statement just received from H. Anthon, jr., esq., our consul at Hong Kong, (No. 8,) it appears no less than 14,000 Chinese have emigrated to California since January 1, 1851, nearly one half of whom have sailed since the 1st January, 1852. Already a fleet of some fifty to sixty sail of merchant vessels have been employed in conveying Chinese to the shores of the United States, and there is every prospect that a strong tide of emigration will set in that direc-

tion for years to come, constituting a *new* element in speculation for the future, as it respects both countries.

It is of moment to the United States as regards steam communication between the two shores, a subject already before the public. The present rate of passage money for a Chinese is fifty dollars. One vessel, which recently cleared for San Francisco, received \$18,000, and another, about to sail, has received \$19,000 for passage money alone.

A steamer might receive \$75 or \$100 in view of the more expeditious and safer passage; and admitting her capable of conveying 350 Chinese, this rate would give \$26,000. European passengers would pay a still larger sum, which, with freight or bullion and merchandise and a moderate assistance from government, might render the enterprise at once feasible, ultimately lucrative, and highly important both commercially and politically.

As to China, for the most part, those who visit California expect to return in three years, and those who have returned have acquired new ideas of human rights and human existence even. This influence coalescing with the indigenous spirit of republicanism that is beginning to be rife in China, must inevitably, according to the established law of mind disenthralled from tyranny, work out important results to the Manchoo dynasty. Yet the character of this new element will depend materially upon the influence that shall be exerted upon these emigrants during their residence in the land of gold, and what is still more valuable, the land of freedom. A subject (too obvious to need remark) deserving the grave consideration both of the philanthropist and the statesman.

Your very obedient servant,

PETER PARKER.

Mr. Parker to Mr. Webster.

[Extract.]

[No. 29.]

LEGATION OF THE UNITED STATES,
Canton, May 21, 1852.

SIR: It becomes my duty to transmit to the department documents and correspondence relative to a very aggravated case of piracy and murder recently committed upon the high seas by Chinese, on board an American merchant vessel, and under the flag of the United States.—(Vide enclosures Nos. 1 to 15.)

The American merchantman "Robert Bowne," Lesley Bryson, master and sole owner, left Amoy on the 21st March, having on board four hundred and ten Chinese coolies, so called, bound for San Francisco. On the 30th March, when some three hundred miles to the eastward of Formosa, the Chinese rose and killed the captain, first and second officers, and four seamen, took command of the vessel, and constrained the remainder of the ship's company to take the vessel to

one of the "Magicosima" group of islands, where they plundered her, and some hundreds of the Chinese landed.

Afterwards, the surviving seamen succeeded in binding twenty-three Chinese who remained on board, slipped the cable, and brought the vessel into Amoy on the 18th April.

The Chinese prisoners brought back in the "Robert Bowne" were handed over by the United States consul to the custody of the Chinese authorities at Amoy.

Immediately on receipt of intelligence of this catastrophe, I communicated the same to Commodore Aulick, who at once dispatched the "Saratoga," Captain Walker, in search of some missing sailors, and to capture as many as possible of the pirates.

In the meantime, two of the sailors, who left the ship at the island in a long-boat, were picked up at sea ten miles to the south of Formosa by Captain Wilson, of the British schooner "Nymph," and taken to Shanghai. From their depositions, taken before the United States consul, it appears that the captain, in order to maintain cleanliness, cut off the tails of a great many of the coolies, and obliged them to come on deck and be washed all over in cold water, the men scrubbing them with cane brooms."

Her Majesty's brigs "Lily" from Amoy, and "Contest" from Shanghai, proceeded to the island and have rescued an American sailor detained by the Chinese, and captured from 30 to 40 of the pirates.

These are the main facts so far as they have transpired; but for full details, and for all the steps that have been taken, I respectfully invite your attention to the accompanying documents and correspondence.

Two important subjects have presented themselves. First, the disposal of the vessel; second, the disposition of the pirates. In reference to the first, please refer to my dispatch to Mr. Bradley, of the 1st instant, (No. 6.) As to the second, I wait for the depositions of the sailors who brought the vessel into Amoy, before deciding finally on the course to pursue. Had the piracy been committed within the jurisdiction of China, the 21st article of the treaty would consign the pirates to the government of China, but, occurring upon the high seas and under the flag of the United States, strictly speaking, it comes under the exclusive cognizance of the laws of the United States; yet, should it appear that the ends of justice and the public good may as effectually be secured by so doing, it may become expedient, under explicit claim of our rights, in the present instance to waive them, and allow the Chinese to try and punish these, their subjects, agreeably to the above named article. Upon this subject, however, I shall endeavor to act advisedly, and in conjunction with the commander-in-chief of our naval forces in these waters.

The injudicious treatment of these coolies by the captain may be regarded, by some, as the provocation to the act of violence they have committed, but the fact that within a limited period three other vessels, one French and two English, have been cut off by this class of Chinese, leaves it by no means certain that the act was not premeditated before the vessel left port. Before concluding my observations upon this subject, I beg to invite your attention to the very friendly offices of the British civil and naval authorities in China, as exhibited

in the enclosed correspondence, and while I have deemed it my duty at once to acknowledge them, (enclosures Nos. 14 and 15,) it will afford me much pleasure hereafter to convey to these authorities any expression of the appreciation of said offices on the part of the home government, unless the legation at London should be deemed the more appropriate channel.

It seems very unfortunate that any circumstances should have rendered the services of the "Susquehanna" unavailable in this important emergency (vide enclosure No. 5,) otherwise the necessity of calling in the aid of British men-of-war on the occasion had been avoided.

Your most obedient servant,

PETER PARKER.

Hon. DANIEL WEBSTER,
Secretary of State.

No. 1.

C. W. Bradley, jr., United States Consul, to Mr. Parker.

[No. 51.]

UNITED STATES CONSULATE,
Amoy, April 22, 1852.

SIR: I have to report of the melancholy accident which has fallen on the American ship "Robert Bowne," Leslie Bryson, commander. This vessel left this port on Sunday, the 21st of March, having on board four hundred and ten Chinese coolies, bound for San Francisco, California. On Sunday, the 18th instant, she arrived off Amoy in distress. The survivors of the crew report as follows: On Tuesday morning, the 30th of March, the Chinese coolies, mutinied and killed the captain, first and second officers, and four seamen. The remaining seamen escaped by taking refuge aloft; while aloft, efforts were made to fire on them by the coolies, but the muskets missed fire, the wind blowing fresh at the time, and the sails were taken aback; the coolies being unable to right the ship, became themselves terrified, and finally promised to save the lives of the crew if they would descend and work the vessel for them. After the crew had righted the ship, the coolies seized and bound them, leaving but two at liberty at once. One of the coolies assumed the office of captain. The crew were ordered to sail the ship to Formosa; to accomplish this, four days were allowed them, with the threat that if they failed to reach Formosa within that time they should all be slain. The crew were none of them navigators, but supposed themselves to be about three hundred miles to east of Formosa, and steered the ship accordingly. Afterwards, fearing the ship might be capsized in a squall, they loosened all the crew, but kept a close watch over them. They made land on Friday, the 2d of April. At first, they supposed the land to be Formosa. On making the land the crew were informed by two or three Chinese boys, (who had always been friendly with them,) that the coolies had planned to kill them that night. But on nearing the land they discovered the island was not Formosa. They put the ship about for the night. The next morning they saw land further to the

northward, which they then supposed must be Formosa, and sailed towards it, beating to windward all that day; they did not effect a landing on the island until Wednesday, the 7th of April, when the vessel ran on a reef near the shore. They found the island was not Formosa. The coolies were several days in plundering the ship and landing on this island. On Thursday, seeing signs that the coolies designed to kill them, the crew launched the long boat, and made arrangements to take to her during the night if necessary. Two of the crew were placed in charge of the boat. In the morning the boat was missing, and has not since been seen. The coolies had all left the ship, with the exception of some twenty-three who were left in charge of the vessel; nine of the crew escaped to the ship, slipped the cable, put the ship under way, binding twenty-one of the Chinese as prisoners. The other two are supposed to be innocent, having on several times saved the lives of the crew by giving them information of the plots against them. One of the seamen was retained on the island a prisoner. The twenty-one prisoners brought into Amoy have been given in charge to the Haifong. A communication has been sent to the Taoutaë, requesting him to hold them in custody until I received instructions from the United States commissioner at Canton.

"I have been in communication with her Britannic Majesty's consul at this port on this subject. He has placed her Majesty's brig 'Lily,' and the honorable company's steamer 'Semiramis,' at my disposal, and ordered them at once to proceed to sea to rescue the American citizen now held a prisoner by the coolies, and to arrest as many of the actors in this tragedy as possible, that they may be brought to justice.

"Mr. Consul Sullivan deems it advisable that I, with certain survivors of the crew, proceed in these vessels to effect the purpose. The time necessary to send an express from Amoy to Canton is ten days, and it would require about an additional ten days for a vessel to arrive at Amoy in order to get the necessary information requisite to proceed on this expedition. Hence, in order to avoid these delays, I have deemed it advisable to accept of her Britannic Majesty's consul's very generous offer.

"The ship's log-book has been preserved; the position of the vessel on the day previous to the tragedy, as noted in the log-book, was latitude (by observation) $21^{\circ} 50'$ north; longitude (by dead reckoning) $128^{\circ} 26'$ east. The surviving crew have given an intelligent description of the island and its inhabitants, and of their return voyage; from which statements we infer that the island in which the coolies landed must be one of the group called 'Magicosimas.' * * * With regard to the disposal of the prisoner already in custody, and others that may be arrested, I shall await your particular instructions. I shall also beg, respectfully, for instructions or advice in reference to the disposal of the vessel. Captain Bryson was the sole owner, and has left certain creditors at Amoy. The remaining stores are in such condition that it is necessary to dispose of them without delay."

Your obedient servant,

CH'S WM. BRADLEY, JR.

No. 2.

Mr. Bradley, United States consul, to Mr. Parker.

HONG KONG, April 27, 1852.

DEAR SIR: "I write in haste to inform you that the steamer 'Serramis' was unable to or keep in company with her Majesty's sloop 'Libby' after Friday evening, the wind and sea being so very high that the captain deemed it advisable to put back on Saturday morning to Amoy. The gale increasing so much, and being thick, we run past our port and obliged to run into Hong Kong, arriving here this afternoon.

* * * * * I hope Commodore Aulick may be made acquainted with the facts in my official to you, and proceed at once in search of the American prisoner, and try to rescue some of the leading Chinese in this horrible tragedy." * * *

Yours, faithfully,

C. W. BRADLEY, JR.

No. 3.

[Extract.]

Mr. Parker to Mr. Bradley.

LEGATION OF THE UNITED STATES,
Canton, April 28, 1852.

SIR: "I have this moment received your dispatch of the 22d instant, relative to the sad catastrophe of the ship 'Robert Bowne.' * * * I shall lose no time in communicating with Commodore Aulick upon the subject." * * *

Your obedient servant,

PETER PARKER.

No. 4.

Mr. Parker to Commodore Aulick, United States Navy.

LEGATION OF THE UNITED STATES,
Canton, April 29, 1852.

SIR: "I hasten to transmit you herewith a copy of a dispatch of Charles W. Bradley, jr., esq., United States vice consul at Amoy, of the 22d instant, informing this legation of the catastrophe of the American ship 'Robert Bowne,' whose owner and commander, Captain Leslie Bryson, with his officers and four seamen, have been murdered by

Chinese whom the vessel was conveying from Amoy to San Francisco. Full particulars of the bloody deed you will find in said dispatch and need not here be recapitulated. In reference to the 'American citizen now held prisoner by the coolies,' upon an island supposed to be one of the 'Magicosima' group, and the arrest of the guilty Chinese, I earnestly request you will adopt such prompt and efficient measures as shall in your judgment be deemed expedient." * * * *

Your obedient servant,

PETER PARKER.

No. 5.

Commodore Aulick, United States Navy, to Mr. Parker.

UNITED STATES STEAM FRIGATE SUSQUEHANNA,
Macao Roads, May 1, 1852.

SIR: "I have the honor to acknowledge the receipt of your letter of the 29th ultimo, enclosing a copy of a dispatch from Charles Wm. Bradley, jr., esq., acting United States consul at Amoy, in reference to a most bloody act of piracy committed on the 30th of March last, by certain Chinese coolies, passengers on board the American ship 'Robert Bowne,' Captain Leslie Bryson, while on her passage from Amoy to San Francisco, and earnestly requesting that I will adopt such prompt and efficient measures in the premises as I shall deem expedient.

"In reply, I beg to say, I regret extremely, that being ordered by the Navy Department to remain with this ship at this place or Hong Kong, it is not in my power to go myself to attend to this important affair, but I shall lose no time in dispatching the United States sloop 'Saratoga' to Amoy, with orders to communicate with our consul there, and thence proceed with all possible expedition to the island on which the pirates are said to have landed, for the purpose of capturing them if possible, and bringing off our unfortunate countryman, who it is said has been detained amongst them." * * * *

Your obedient servant,

J. H. AULICK,

Commanding U. S. Squadron, East India and China seas.

No. 6.

Mr. Parker to Mr. C. W. Bradley, jr.

LEGATION OF THE UNITED STATES,

Macao, May 1, 1852.

SIR: "Referring to your dispatch No. 51, of the 22d ultimo, I have much pleasure in informing you that Commodore John H. Aulick, with characteristic promptness, will lose no time in dispatching the

United States sloop *Saratoga* to Amoy with orders," &c.—(Vide No. 5 ante.) * * * * "You will please to furnish Captain Walker, commanding United States sloop *Saratoga*, with all the information in your power to communicate, and to afford him such facilities as may be practicable in the way of an interpreter, and guides from among the surviving crew of the unfortunate 'Robert Bowne.'

You request instructions or advice in reference to the disposal of the vessel * * * it is the legal course, so, all things considered, it will be the most advantageous to sell the vessel at Amoy. * * In regard to the disposal of the twenty-three pirates now in custody of the Chinese authorities at Amoy, you will, if not already done, proceed to take the depositions of the surviving sailors of the 'Robert Bowne,' and communicate the same to this legation, as evidence upon which to proceed in its correspondence with the imperial commissioner relative to the final disposal of them. If necessary, Captain Walker and his officers will aid you in this matter.

"The sentiments and dispositions of the local authorities in reference to these pirates you will take measures to ascertain, and so far as you may arrive at them you will please communicate the same to me as early as possible, as a determination on their part to render impartial justice to these enemies of all mankind, according to the laws of China, will materially influence the course of this legation respecting them. They are unquestionably amenable to the laws of the United States. As to the immediate disposal of any of the said pirates that may hereafter be captured, Commodore Aulick will give the necessary instructions to Captain Walker." * * *

Your obedient servant,

PETER PARKER.

No. 7.

Mr. Cunningham, Vice Consul United States, to Mr. Parker.

UNITED STATES CONSULATE,
Shanghai, April 27, 1852.

SIR: The British schooner "Nymph" arrived this afternoon at Woosung, bringing two sailors from the American vessel "Robert Bowne," lost on her voyage from Amoy towards California, in the manner detailed in the following letter, which I have just received from Captain Wilson, of the "Nymph," and which I give verbatim as containing all I know upon the subject.

"The following statement was made to me by two men (John Smith and Joseph Valentine) whom I picked up on the 19th of April, in latitude $22\frac{1}{2}^{\circ}$ north, longitude $121^{\circ} 8'$ east, distant from the south end of Formosa ten miles, in the long-boat of ship 'Robert Bowne,' of New York. They sailed from Amoy about the 28th March, in the said ship, commanded by Captain Bryson; her crew consisted of eighteen, including themselves; she was bound to California, with four hundred and fifty China coolies; after being out about ten days, the

coolies rose and murdered the captain, chief mate, and three of the crew, and compelled one man to jump overboard; they afterwards ordered the remainder of the crew to take the ship to Formosa; they sailed to the westward for three or four days, and then made two islands, the names of which they did not know; they run the ship in between the islands, in doing which she run on a reef of rocks and remained there a tide; after getting off they anchored in deep water; the coolies then obliged the crew to land them; on the second day they had succeeded in landing about three hundred of them, when they lost one of their boats; they then got the long-boat out, but too late to land any more that night; the long-boat made so much water that it was requisite to keep two hands in her to bale her out during the night; it was the intention of the crew to have all made their escape in the long-boat during the night, and for that purpose were passing several articles into her, which excited the suspicions of the coolies and prevented them from doing so; a great noise was heard on board immediately afterwards, after which they saw nothing more of their companions, and suspect they must either have murdered them or kept them in close confinement; several of the crew were detained on shore by the coolies on landing; at day-light in the morning these two men cut from the ship and allowed her to drift to sea, but finding she made so much water they landed again and caulked the boat, and after getting some water and fowls from the natives, who were very civil to them, they put to sea, with the hope of reaching Amoy or some part of the coast of China, and were seven or eight days in the boat when I fell in with them; I stove the boat and took what few things were in her on board, viz: a spy glass, ensign, compass, four charts, and some gear belonging to the boat. The islands where they landed are, I think, the Madgicosima group; they extend in an eastnortheast and westsouthwest direction, about 120 miles, and are about the same distance westsouthwest of the north end of Formosa. I went to the nearest of the group in hope of falling in with some of the crew and ship, but without success, and as the men did not exactly know where they had landed, a thick night coming on, and a great many reefs in the neighborhood, I did not consider myself justified in remaining any longer, with a valuable cargo under my charge. I do not think the coolies have means of escaping from the islands unless in the ship."

There being no vessel-of-war here except her Britannic Majesty's brig "Contest," not in condition for a cruise, and no vessel which I can employ for the purpose, I cannot send to Formosa to look for the remainder of the crew, and give you this early information, as a vessel from the south may possibly be in time to save the lives of some of them. I shall represent the case to her Britannic Majesty's consul at this port, and the "Contest" may be dispatched on such an errand of mercy, though hardly fit for sea. The two men will appear before me to-morrow, and in due time I will forward their depositions. * * *

Your most humble servant,

EDW. CUNNINGHAM,

Acting Vice Consul United States of America.

No. 8.

Mr. Cunningham, Acting Vice Consul United States, to Mr. Parker.

UNITED STATES CONSULATE,
Shanghai, April 28, 1852.

SIR: Referring to my dispatch of yesterday, I now beg to hand you copies of the depositions given before me by the two men, Valentine and Smith, survivors of the crew of the American ship "Robert Bowne." I have also to acquaint you of the intended immediate departure of her Britannic Majesty's brig "Contest" in search of the vessel, and to ascertain if any of the crew remain alive on the island. Her Britannic Majesty's consul and the honorable Captain Spencer, commander of the "Contest," met my request in the most friendly manner, and I trust the aid thus promptly rendered will be so represented to our government that I shall be empowered to return suitable acknowledgments. The "Contest" takes the two men to ascertain the locality. * * * * *

Your most obedient servant,

EDW. CUNNINGHAM,
Acting Vice Consul, United States of America.

No. 9.

On the twenty-eighth day of April, in the year of our Lord one thousand eight hundred and fifty-two, before me, Edward Cunningham, acting vice consul of the United States of America for the port of Shanghai, appeared Joseph Valentine, and being duly sworn deposed as follows: That he was steward in the American ship "Robert Bowne," Captain Bryson, and that said ship sailed from America about March 20th, with a crew of nineteen men, including all hands and about four hundred and ten Chinese passengers, bound for San Francisco; that the captain, in order to maintain cleanliness, cut off the tails of a great many of the coolies and obliged them to come on deck and be washed all over in cold water—the men scrubbing them with cane brooms. The coolies evinced much concern at losing their tails, many of them crying. They were well furnished with food and water. On the tenth day out, while cutting up a chicken at the galley door, about half past nine in the morning, the deponent heard a shout from the Chinamen, and looking round saw a body of them rushing aft armed with pieces of wood as clubs, and at the same time one from behind seized him round the waist; with a small knife he held he cut his wrist, and the coolie let go his hold and followed his companions afterwards.

The deponent then went into the galley with the Chinese cook, and both held the door to prevent the ingress of the coolies.

From a small window in the front of the galley he saw the murder

of the second mate, who was knocked down by blows on the head; from ten to twelve men and some of the coolies having by that time obtained boarding pikes, stabbed him. He was thrown overboard not quite dead, and, clinging to a rope, was stabbed again with pikes till he relinquished his hold. The coolies then forced the doors of the galley and stabbed at deponent with the pikes, notwithstanding the intercession of the cook. He succeeded in wresting a pike from them and drove them aft, one or two of the coolies falling by his thrusts. He then jumped down the forecastle hatch, where they barricaded him in. In about an hour they called to him, through one of the Chinese who spoke English, and told him to come up, promising not to hurt him. He did so, and was led aft to the wheel, where Smith was also brought. After steering for an hour, deponent was taken into the cabin and ordered, under pain of death, to show where the captain's valuables were; he did so, but they got but little. The men were aloft when deponent came on deck, whither they had retreated after making an unavailing resistance. The coolies told the men if they would come down and take them to land they would not hurt them. The men did so, and they were all well treated while they were returning. Deponent was informed by the Chinese that the captain, two officers, and three men had been killed. The coolies obliged deponent to attend the wounded among themselves, of which there were several; and they said eight of their number were killed in the fight and thrown overboard. They quarrelled much among themselves about the divisions of the plunder. Land was made about the fourth day after turning back; and after hanging about it three days, trying to land, the coolies became uneasy and wanted the ship run ashore. The steersman, in trying to pass to the westward side of the island, run on a reef. They then landed about one hundred and fifty of the coolies. The ship slipped off and was anchored in twenty fathoms, but dragged into about sixty, where she rode with one hundred fathoms chain out. The next day they landed one hundred or one hundred and fifty more; and the coolies wanted a part of the crew to stay on shore, promising, when all were landed, to allow them to go on board and take the ship to some port. Two of the men were on shore, and not being allowed to get into the boat again, the remainder pushed off and went on board. They then got out the long-boat and offered to put the rest of the coolies on shore that night, but they chose to wait till next day. The men then agreed to escape that night in the long-boat. The deponent, with Smith, got into her to bale her out, leaving in the ship eight men, who passed in, from time to time, various articles necessary for their voyage. After a while the coolies apparently discovered their proceedings, as there was a great noise on deck, the Chinese running about with lanterns, and as they saw and heard nothing more of their messmates, they concluded they were either tied or murdered; at daylight, therefore, they cut loose, drifted clear of the ship, and hoisted a sail. In crossing a reef they stuck for an hour, which caused their boat to leak badly; so they went ashore on the other side of the same island on which the coolies were. Here they were well treated by the natives, who brought them water, vegetables, and chickens, and set a watch over them at night. The

natives were dressed in long gowns, their hair done up in a bunch on the top of the head, fastened with a pin, with a star in front. After caulking their boat they launched her, made sail, and, on the eighth day, were picked up by the Nymph.

In witness whereof, I have hereunto set my hand and seal of office the day and year first above written.

EDW. CUNNINGHAM,
Acting Vice Consul United States of America.

A true copy.

EDW. CUNNINGHAM,
Acting Vice Consul United States of America.

No. 10.

On this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and fifty-two, before me, Edward Cunningham, acting vice consul for the United States for the port of Shanghai, appeared John Smith, and, being duly sworn, deposed as follows: That he was seaman on board the American ship Robert Bowne, Captain Bryson, which vessel left Amoy, about the 20th of March, with fourteen men before the mast, carpenter, steward, mate, and captain, no second mate, and a Chinese cook, and about 410 Chinese coolies as passengers. After getting out, a man was taken from the forecabin and made him second mate. Deponent makes the same statement as Valentine concerning the treatment of the coolies.

On the morning of the outbreak it was his watch below, and he was washing himself on the forecabin, when he heard a shout from the Chinamen and saw them rushing forward with belaying pins, boarding pikes, carpenter's tools, and pieces of wood. He immediately ran out on the jib-boom. The men in the forecabin came up at the noise, with four muskets which the mate had there, and discharging them at the coolies, afterwards charging with the bayonet. Deponent thinks several were killed. But the coolies were too strong; those behind pressing on those in front, and the men were driven on to the jib-boom. From there they went to the masthead by the head stays. Saw the murder of the man acting as second mate. The coolies sent the interpreter into the foretop to tell the men no harm should come to them if they would descend to the deck and work the ship. They went down, one by one, and as each reached the deck he was tied hand and foot and stowed away, either below or in the cabin. When wanted to steer one was brought out and untied, and the man relieved was tied again, until the third or fourth day, when they were allowed to be at liberty. The deponent was told by the headman, through the interpreter, that he must take the ship to land, and he promised to do what he could, though unacquainted with navigation. They made the land, run aground, and anchored as stated in Valentine's deposition. The coolies wished the crew to be left ashore, two at a time, as

the boat brought them to land, which they refused, being doubtful of the coolies' intentions. One man, a Kanacker, stayed on shore of his own accord at the first or second visit of the boat, and was not seen again. The last time they went the coolies seized the painter and attempted to drag the boat up, when one of the men with a knife cut it, and they got off to the ship, with the exception of one man, who jumped overboard in a fright and went on shore. The remaining coolies, some 100 to 150 allowed them to get out the long-boat, but seemed disinclined to go ashore, and as the men began to suspect them of a design to murder them all, they determined to leave that night in the long-boat. The remainder of deponent's statement agrees with Valentine's.

In witness whereof, I have hereunto set my hand and seal of office, the day and year first above written.

EDW. CUNNINGHAM,
Acting Vice Consul United States of America.

A true copy.

EDW. CUNNINGHAM,
Acting Vice Consul United States of America.

No. 11.

Mr. Parker to Commodore Aulick.

LEGATION OF THE UNITED STATES,
Canton, May 17, 1852.

SIR: Herewith I have the honor to transmit you a copy of two dispatches from Edward Cunningham, esq., United States vice consul, Shanghai, of the 27th and 28th ultimo, the latter just received. The former contains the gratifying intelligence of the rescue of two American sailors from the unfortunate Robert Bowne, picked up at sea some ten miles to the south of Formosa, by Captain Wilson of the British schooner Nymph. An extract of a letter from Captain Wilson is also furnished. From the dispatch of the 28th ultimo, it appears that her Britannic Majesty's brig Contest, honorable Captain Spencer, was expected to proceed immediately "in search of the vessel, and to ascertain if any of the crew remain alive upon the island;" the safe arrival of the Robert Bowne at Amoy not being known at Shanghai at that date. Copies of the depositions of the two sailors taken before the United States vice-consul are also enclosed.

It is with extreme regret I learn that the rumored injudicious treatment of the coolies, by Captain Bryson, is now sustained by direct testimony.

I have the honor to remain, sir, very respectfully, your obedient servant,

PETER PARKER.

No. 12.

Mr. Anthon, Vice Consul, to Mr. Parker.

UNITED STATES CONSULATE,
Hong Kong, May 19, 1852.

MY DEAR SIR: Her Majesty's brig "Contest" arrived last night, and from the honorable Captain Spencer, her commander, I learn the following: The "Contest," at the request of Mr. Cunningham, left Shanghai to look for the perpetrators of the outrage on board the American ship "Robert Bowne," and to rescue, if possible, one of her crew, said to have been left on the island where the coolies landed.

The brig, as you are probably aware, had on board the two men picked up at sea by the "Nymph." They first intended to make Ty-ping-san, one of the Madgicosima group, intending to scour every island. Owing, however, to the wind and current prevailing they had to make Ra-tchung-san, which island was immediately recognized by the two Americans on board as being the one upon which the coolies landed. At a place on this island, called "Port Haddington," they found her Majesty's brig "Lily," which vessel had left Amoy on the same errand as the "Contest." I think I am not mistaken that Captain Spencer informed me that the "Lily" had taken prisoners some thirty or forty of the coolies, perhaps not so great a number, the remainder escaped over the hills; and that the next day the man who was said to have been left behind, crawled down from the mountains and was taken on board.

Captain Spencer offered the natives to land 100 men from the brigs, provided they would give him shelter for his men in the evenings, and he would then hunt down the remainder of the coolies. This request not being complied with, and as to all appearances nothing further could be done in the matter by her Majesty's vessels, the rescued mariner and the prisoners were put on board of the "Lily," which left immediately for Amoy, and the "Contest" sailed for this place. Captain Spencer describes the islands as being very beautiful, and the inhabitants civil and intelligent and apparently annoyed at the landing of the coolies from the "Robert Bowne."

Very respectfully, your obedient servant,

HENRY ANTHON, JR.,
Vice Consul.

No. 13.

Mr. Parker to Commodore Aulick.

LEGATION OF THE UNITED STATES,
Canton, May 20, 1852.

SIR: On the 17th instant I had the honor of transmitting you copies of dispatches from Edward Cunningham, esq., United States vice consul, Shanghai, stating her Britannic Majesty's brig "Contest" was ex-

pected to proceed immediately to sea in search of the American seaman of the "Robert Bowne," said to be detained by the Chinese coolies on one of the Madgicosima group of islands. I have now the pleasure of enclosing you a copy of a note from H. Anthon, jr., esq., United States vice consul, Hong Kong, informing this legation of the arrival at that port of the "Contest," reporting the rescue of the said seaman and the capture of thirty or forty of the piratical coolies. The report of the honorable Captain Spencer confirms the opinion of Captain Wilson of the "Nymph," "that the coolies have no means of escaping from the island," and it seems very important that they be pursued and brought to justice.

I have the honor to remain, sir, very respectfully, your obedient servant,

PETER PARKER.

No. 14.

Mr. Parker to Sir John Bowring.

LEGATION OF THE UNITED STATES,
Macao, May 6, 1852.

SIR: I am informed by Charles William Bradley, jr., esq., United States vice consul at Amoy, in a dispatch of the 22d ultimo, apprising this legation of the late catastrophe of the United States merchant vessel "Robert Bowne," whose master, officers, and four seamen were put to death in a most cruel manner by her piratical passengers *en route* to California, on the 30th March, that her British Majesty's consul at Amoy, Mr. Sullivan, "had placed at his disposal her Majesty's brig 'Lily,' and the honorable company's steamer 'Semiramis,' and ordered them at once to proceed to sea to rescue the American citizen now held prisoner by the coolies, and to arrest as many of the actors in this tragedy as possible, that they might be brought to justice." In a subsequent dispatch the consul states that these vessels proceeded on this important service, but by stress of weather were compelled to put back, one to Hong Kong and the other to Amoy.

It were a dereliction of duty to permit this friendly act to pass without a formal acknowledgment. It is with much pleasure recognized as a fresh manifestation of the good correspondence happily existing between our respective governments— a spirit of cordiality which only requires a befitting occasion to call forth its exhibition.

Allow me, through your excellency, to convey to her Majesty's consul and the commanders and men of her Majesty's brig "Lily" and the honorable company's steamer "Semiramis" an expression of due appreciation of their friendly and praiseworthy offices, notwithstanding that they were providentially abridged.

With sentiments of distinguished consideration, I have the honor to remain, sir, your excellency's very obedient servant,

PETER PARKER.

No. 15.

Sir John Bowring to Mr. Parker.

[No. 31.]

SUPERINTENDENCY OF TRADE,
Hong Kong, May 8, 1852.

SIR: I have the honor to announce to you that I received, by the last mail from Europe, her Britannic Majesty's full power as her plenipotentiary in China, and a separate commission as a superintendent of British trade in these regions.

It was a singular gratification to me, among my earliest official acts, to communicate to Mr. Consul Sullivan my cordial approval of his conduct in rendering such assistance as he was able, in the melancholy affair of the United States merchant vessel "Robert Bowne," and to inform him that every becoming act of courtesy and attention shown by her Britannic Majesty's consular authorities, to the ships and citizens of the United States, will be sure to meet with all my sympathy and sanction. I shall always remember with pleasure the very friendly character of my intercourse with yourself and the other authorities of the United States while I was consul at Canton, and am most happy thus officially to record my sense of much kindness, and of every conciliatory disposition compatible with the due discharge of your public duties.

I will take care to communicate to Mr. Consul Sullivan, and through the commanding officer of her Majesty's navy in these seas, to the officers and men of her Majesty's ship "Lily," and the honorable company's steamer "Semiramis," the acknowledgments you are so good as to convey. You will, perhaps, allow me to mention, for the purpose of avoiding any misunderstanding as to the extent of consular authority, that the consuls have not the power "of disposing of" or "ordering" the services of her Majesty's ships, but merely of suggesting and recommending a particular object to her Majesty's naval authorities.

I have the honor to be, sir, your most obedient humble servant,
JOHN BOWRING.

Mr. Parker to Mr. Webster.

[Extract.]

[No. 30.]

LEGATION OF THE UNITED STATES,
Canton, June 19, 1852.

SIR: Since the date of my last dispatch, conveying to the department intelligence of the fate of the "Robert Bowne," the twenty-three Chinese passengers, brought back in that vessel to Amoy, and handed over for safe keeping to the authorities of that port, by special

request, (vide enclosures, Nos. 2, 5, 10, 14,) have been brought to Hong Kong by Commodore Aulick in the "Susquehanna."

On the 8th instant, the "Saratoga" returned to Hong Kong, having succeeded in capturing forty-six more of the pirates, which, together with twenty-three received from her Britannic Majesty's sloop "Lily," sixty-nine in all, she has brought to that port, making an aggregate of about one hundred, exclusive of a large number who have died from disease and other causes.

From the official report of Captain Sanderson of the "Lily," a copy of which has been obligingly furnished the legation by his excellency Dr. Bowring, (No. 1,) it appears forty others had committed suicide upon *Pa Tsung San*, and numbers had died of starvation, "and some few were shot in trying to escape." As intimated in my last dispatch might be the case, it has been decided to hand the criminals over to the Chinese government to be tried and punished agreeably to the laws of the Ta Tsing empire, (vide enclosures, Nos. 15, 17, 22, and 23,) and the Imperial Commissioner Seu and his Excellency Pih, governor of Höevan, have promptly and cheerfully acceded to the proposition, (enclosures, Nos. 26 and 27.)

I respectfully and particularly request your attention to my dispatch to Commodore Aulick, of the 5th instant, (No. 15,) in which you will find fully stated the view I have taken of this case, in some respects unprecedented in the history of piracies that have fallen within the jurisdiction of the government of the United States, and shall be happy to learn that the construction of the law there given meets your sanction.

The reason which has dictated the propriety of a preliminary trial has been a reluctance to intrust to the justice of a Chinese court any of the "Robert Bowne" passengers, who by the decision of a court of inquiry shall be acquitted as innocent, lest for no other offence than that of leaving their country they might be subjected to punishment. However, since the receipt of their excellencies communication of the 17th instant, I have less apprehension on that score.

From the depositions of the surviving seamen of the "Robert Bowne," taken at the United States consulates at Amoy and Shanghai, (No. 12 and dispatch 29, enclosures Nos. 9 and 10,) the perpetrators of such barbarities as were inflicted upon Captain Bryson, officers, and men, merit the extreme penalties of the Chinese laws.

Their excellencies, Seu and Pih, are in error in saying that "what is set forth in my dispatch of the 14th instant (No. 26) is conformable to treaty," for the treaty does not contemplate such a case.

The XXVI article simply relates to acts of piracy within the waters over which the Chinese government exercises jurisdiction, and, should occasion require, I may deem it my duty to correct the mistake.

There are serious objections to handing over these criminals to a British court, and, sooner than consent to it, I should urge the propriety of sending the instigators and leaders in the piracy to the United States for trial, and liberating the rest.

The legal difficulties in the way of their being tried and punished by the United States government in China, the Chinese would not ap-

preciate, and to hand the criminals over to the court at Hong Kong, would, in the Chinese mind, be derogatory to the government of the United States, as appearing incompetent to manage its own concerns.

The prospect now is that this will not be necessary, and that the subject will speedily be disposed of, and I hope, at an early day, to inform you that the result is satisfactory, that the laws have been duly executed and the general good consulted.

Enclosures No. 1 to 30, inclusive, relate to the case "Robert Bowne," and for full details of all that has transpired respecting it the past month, I respectfully solicit your perusal of the same.

* * * * *

Your most obedient servant,

PETER PARKER.

JUNE 21, 1852.

P. S.—SIR: Since closing my dispatch of the 19th, I am informed, by Commodore Aulick, that the court of inquiry was held on the 16th instant, and that seventeen Chinese have been found by said court guilty, as among the principal actors in the "Robert Bowne" tragedy, whom the commodore will bring to Whampou this day for delivering to the Chinese authorities.

* * * * *

PETER PARKER.

No. 1.

[Extract.]

Captain Sanderson to Mr. Sullivan, British Consul.

HER MAJESTY'S SLOOP "LILY,"
Amoy, May 15, 1852.

SIR:

* * * * * On Saturday, the 1st instant, passed round the end of Ty-pin-san, and explored all the easternmost group of the Madgicosimahs, the navigation of which was most intricate, being studded with reefs in all directions. On Sunday, the 2d, I stood across to the south side of Pat-chung-san, and on Monday tried to enter Port Providence, but found a reef extending from that island almost to Kookien-san, and, apparently no opening. I then passed completely round Kookien-san and entered Port Haddington on Tuesday morning, which was immediately recognized by the seamen of the "Robert Bowne" as the place where they landed the Chinese coolies from that ship. At noon the same day I left the ship with all my small-arm men and marines, but found, on landing, the coolies had left the house the islanders had built for them there, and had moved round to the south point which forms that bay. * * * *

* * * The following morning I sent a boat on shore for some of the

natives to guide me, weighed and proceeded towards the point. On the boat's return from the shore she brought three Chinese—one called "California Joe," the interpreter, and two coolies; they had deserted the camp and walked round abreast the ship. I arrived off the point and anchored the ship about eight hundred yards from the habitation of the coolies, which is built close down to the beach and formed of wicker work and straw, two rows of long building with a detached cooking house. I immediately manned and armed boats, but before we got them away I found the coolies were all decamping. I ordered a few shot and shell to be fired wide to try and turn them and pushed on with the boats and followed them. They dispersed in all directions, but I kept pretty close on the track of the main body, (passing over goods of all descriptions, chiefly mats, lanterns, ship's canvas, Chinese clothing, &c.,) and captured thirteen, some few being shot in trying to escape. After six hours' march I halted on the side of a deep wood, which about a couple of hundred of the coolies penetrated, and it being past sunset * * * I returned and reached the ship. * * * Thursday, the 6th, her Britannic Majesty's sloop "Contest" arrived from Shanghai, bringing the two men who had left the ship in the long boat. * * * She also brought a Chinese interpreter. Accompanied by Captain Spencer and his interpreter, we landed and sent our cards and a letter to the chief of the island, requesting an interview on the subject of a missing seaman of the "Robert Bowne" and the Chinese coolies. In the evening two officers of the second order arrived, when I again requested to see the chief, who came on the following morning, and I had a lengthened interview with him on the subject of these coolies. He expressed his wish to have them removed from the island, as they were committing all sorts of depredations and had taken forcible possession of the huts of the farming people. He expressed his inability to do anything towards ridding the island of them, the people being apparently afraid of them. At the close of this interview intelligence arrived that some thirty or forty coolies were in the neighborhood, upon which I started, accompanied by Captain Spencer, Prince William, and our two gigs' crews, hoping to be able to communicate with them through the interpreter, but, after walking several miles, at sunset we had only succeeded in capturing five, the remainder having retreated on our approach to the jungle. * * * On Friday morning the missing seaman crawled down to the beach and was taken on board in a very reduced state. He had been detained by the coolies, and had only escaped in the night. I had the day previous sent the interpreter, with some of the natives, to the main body in the woods to persuade the coolies to come down to the ship, promising them that they should not be ill used on board, and that I would use my influence with the authorities at Amoy to spare their lives; but on his return he reported that they refused to surrender. About forty had destroyed themselves by hanging and other means in the wood, and numbers had died of starvation. On the following day I sent one of the coolies, who had been picked up only the previous evening, with a similar message, but he returned saying none of them would come. * * * I left Port Haddington on Tuesday the 11th. * * * I have on board the three seamen of the "Robert Bowne" I took from

the port, as well as the two who were picked up in the boat, and the man who was left on the island, California Joe and twenty-two coolies, (one coolie died on board previous to our leaving "Port Haddington," and one at sea on the 14th,) and the Chinese interpreter Captain Spencer brought from Shanghai. I send you a silver watch, said to have belonged to the mate of the "Robert Bowne," and a belt of dollars given up to me by "Joe," as well as some few papers picked up on shore, and my correspondence with the native chiefs, which may be of interest; also the deposition of one of the men picked up in the boat, made before the acting vice consul for the United State of America at Shanghai. I trust I have accomplished the principal portion of the service I left this port on in having recovered the European seaman who was left on the island, ascertained the fate of the two who left the ship in the long-boat, as well as captured a few of the coolies who are said to be some of the ringleaders. * * * * *

I have the honor, &c.,

J. SANDERSON, *Commander*.
FREDERICK HARVEY.

A true copy.

No. 2.

Mr. Bradley to Mr. Parker.

UNITED STATES CONSULATE,
Amoy, May 18, 1852.

SIR: * * * I am glad that one of our men-of-war is bound to the island on which the Chinese pirates of the "Robert Bowne" have taken refuge. With reference to the twenty-one prisoners brought in by the "Robert Bowne" and placed for safe keeping in the hands of the Chinese civil authorities here, I have every reason to believe that if they are not taken back by the United States authorities they will never be punished for the offences they have committed. The Amoy authorities have not power to punish capital offences; this is done at the higher tribunal of Houchoufong, and if these prisoners were sent to Touchou for trial, as they assuredly would be, if not at once liberated, other criminals would be executed in their stead, without our knowledge, and these pirates suffered to go at large, as having done nothing worse, in ultra Chinese opinion, than killed a few "outside barbarians." In a word, I am satisfied that they will never be punished by the Chinese authorities. Yet the Hai Kong here, as the custodian of them for *our government*, is, I believe, acting in good faith. But he is anxious to turn them back to us. He is even importunate in his applications to me to take them off his hands. I cannot do this, for I have no place in which to confine them, and no authority, without your advice, to that extent. * * * * * On the 16th, these twenty-three prisoners, per "Lily," were transferred to the United States sloop "Saratoga" at anchor here, where two more of them died on the following day. Others were sick and apparently dying,

while several of them were mere children. Captain Walker thought, as he was bound direct to the islands, in obedience to his instructions given by the commodore, that it would be best for me to apply to the Hai Hong here to receive these, with the others already in his possession, for the present.

This was a difficult matter, for the Hai Hong, by becoming the custodian of our prisoners, has to some extent compromised himself officially, and in consequence thereof, is expecting to be transferred to a less desirable post on the Islands of Formosa; nevertheless he consented to receive the remaining eighteen, (Captain Walker having taken three with him to the island,) and keep them securely for us until called for. In order to quiet the mind of the Hai Hong, and to obtain his assent to receive into his custody the pirates brought in by the "Lily," I have been *compelled* to assure him that in all probability one of our men-of-war would come up from Hong Kong in a few days and take them off his hands. I really feel it to be my duty to represent to you, that in a measure we are bound to receive back the prisoners he has kept, and is keeping for us, at the earliest possible moment. If the steamer of our squadron could come to Amoy, as she might in a few hours, and take them away, it would promote the ends of justice in every respect.

I intend to enclose a statement of the whole affair, &c.

* * * * *

Your obedient servant,

CHARLES WM. BRADLEY, JR.

No. 3.

Mr. Bradley to Mr. Parker.

UNITED STATES CONSULATE,
Amoy, May 19, 1852.

SIR: * * * The United States sloop "Saratoga" hauled out yesterday into the outer harbor, and sailed this morning hence to the Madgicosima group. Captain Walker has been furnished with all the information in my power, * * the interpreter is to receive for compensation one dollar a day from the time of sailing from this port until he reaches Hong Kong, and a free passage to be provided for to Shanghai, which is his place of residence.

I was obliged to request Captain Walker to take with him the 21 Chinese pirates brought in here on the 15th instant, by her Majesty's brig "Lily," as some misunderstanding existed between the Hai Hong's interpreter and mine the day previous to the hauling out of the vessel. I sent again yesterday to request the Hai Hong to take into his possession part of the 21 prisoners, representing at the same time that I would relieve him of them in three weeks. He answered me that he had had so much trouble with the higher authorities be-

cause of taking over the men brought in the "Robert Bowne," that he could not take any more without their consent. * * * * * I furnished each of the prisoners with a suit of clothes, as they were in a miserable condition.

* * * * *

Your obedient servant,

CHARLES WM. BRADLEY, JR.,
United States Vice Consul in charge.

No. 4.

Commodore Aulick to Mr. Parker.

UNITED STATES STEAM-FRIGATE SUSQUEHANNAH,
Macao Roads, May 20, 1852.

SIR: I have the honor to acknowledge receipt of your dispatch of 17th May instant. * * * * *

The prompt and magnanimous conduct exhibited by her Majesty's consul and the honorable Captain Spencer on this occasion entitles them to our united and warmest thanks, which I feel assured you will take pleasure in causing to be conveyed to them through the proper channel and in the most suitable terms.

I have the honor to be, with high respect, your obedient servant,
J. H. AULICK,

Commanding U. S. Squadron, East India and China seas.

No. 6.

Mr. Parker to Commodore Aulick.

LEGATION OF THE UNITED STATES,
Canton, May 25, 1852.

SIR: I hasten to transmit you herewith copies of dispatches just received from our consul at Amoy, relative to the pirates from the "Robert Bowne," now in custody of the Chinese authorities at that port.

In view of the exigencies of the case I am constrained, notwithstanding the orders of the Navy Department, stated in your dispatch of the 1st instant, to request that the services of the "Susquehanna" may be availed of speedily to relieve the Hai Hong of Amoy of the embarrassment in which his friendly act has involved him with his superior officers, and to bring the Chinese prisoners now in his custody to this port, as suggested by the consul in his dispatch of the 18th instant. The vessel need be absent from her present anchorage but a very short Time, certainly not over one week. As no interest of the public ser-

vice can suffer by such a deviation from the instructions of the Navy Department, which surely did not contemplate such an emergency, and no motive prompts to the course but regard to the public good, it appears to me that no reasonable exception can be taken should you, on this special request, and in view of all the circumstances, assume the responsibility of detailing the steamer for this purpose. Should you feel authorized and disposed to comply with this request, I suggest that on the arrival of the prisoners at this port an inquiry be instituted into the question of their innocence or guilt, and in the event of the latter being clearly established, in conjunction with yourself, to decide whether to hand them over to the imperial commissioners for punishment, or send them to the United States, or if innocent to set them at liberty. By speedily taking these prisoners off the hands of the Hai Hong and bringing them here I concur with Mr. Bradley, "that the ends of justice will be promoted in every respect," and further, an important service at the same time will be rendered the consul by thus sustaining his influence with the local authorities of Amoy. With sentiments of esteem and high consideration,

I have the honor to remain, sir, your very obedient servant,

PETER PARKER.

No. 7.

Mr. Parker to Mr. Bradley.

LEGATION OF THE UNITED STATES,
Canton, May 28, 1852.

SIR: * * * * I am hourly expecting Commodore Aulick's reply to my request, anticipating that either the "Susquehanna" or the "Plymouth" will proceed on this service without delay. I now write to acquaint you with the wishes of the legation that said prisoners be delivered over to such government vessel as the commodore may please to detail for the purpose, and that you convey, in suitable terms, to the Hai Hong its sense of the friendly part he has taken, and its regrets that the discharge of so obvious a duty should have involved him in any unpleasant consequences. * * *

Is there any foundation for the rumor "that the 'Robert Bowne,' though ostensibly cleared for San Francisco, was bound to the Sandwich Islands, without the previous knowledge of the Chinese coolies?" I shall be obliged by any fact or information in your possession which shall throw light upon this deplorable subject.

I have the honor to remain, sir, your most obedient servant,

PETER PARKER.

No. 8.

Mr. Parker to His Excellency J. Bowring.

LEGATION OF THE UNITED STATES,
Canton, May 28, 1852.

Expressions of compliment and thanks, &c., &c., of Mr. Parker and Commodore Aulick to her Britannic Majesty's civil and naval officers at Amoy and Shanghai, &c.

No. 11.

Commodore Aulick to Mr. Parker.

UNITED STATES STEAM-FRIGATE SUSQUEHANNA,
Hong Kong, May 28, 1852.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 25th instant. * * * * I have determined to assume the responsibility of deviating in this instance from my orders from the Navy Department, and will immediately proceed in this ship for Amoy, for the purpose of bringing here the Chinese pirates of the "Robert Bowne," held in custody at that place.

I am, very respectfully, sir, your obedient servant,

J. H. AULICK,

Commanding U. S. Squadron, East India and China seas.

No. 13.

Statement of seamen of the "Robert Bowne."

UNITED STATES CONSULATE,
Amoy, China, May 17, 1852.

On the 17th day of May, in the year of 1852, before me, C. W. Bradley, jr., United States vice consul, in charge, of the United States of America, for the port of Amoy, appeared John Sweeny, Francis Jerome, William Pendexter, Thomas Davis, Charles H. Gilbreth, Frederic Wiley, William Fry, Thomas Bremton, and Daniel Richardson; and, being duly sworn, deposed as follows: That, on the 21st of March, 1852, the ship "Robert Bowne," of New York, left Amoy with 410 Chinese coolies, under the command of Leslie Bryson. nothing more than usual having taken place that ensuing week, everything seemed to be going on in good order; the captain and most of the hands were continually washing, cleaning, and putting the coolies

to rights ; but it seems the coolies got disaffected, whether it was through the captain cutting off their tails, (which he did in number about 200,) or the interpreter, Joe, telling them there was money on board, we cannot presume to say ; but the interpreter acted a most villainous part towards us, (the crew.) On Tuesday, March the 31st, the starboard watch had the morning's watch below, and, as usual, we were called at seven bells, got our breakfast, went on deck, and relieved the other watch ; the starboard watch then went about their several duties ; a man by the name of John Black relieved the wheel ; a man by the name of Morrison (acting as second mate) went down below to work, taking along with him three men, namely, John Hook, Frederick Wiley, and a man by the name of Brown. Sweeney was employed on deck along with the captain. A man by the name of Richards was working forward at carpenter's work, (Richards was a man belonging to the English barque "Ellora," and had stowed himself away on board of us before leaving Amoy.) William Fry was sent to sew some canvas on the collar of the main stay as chafing gear ; Wiley found a belaying pin down below in one of the coolie's bags, and brought it upon deck and showed it to the captain, who told him to ship it, and return to his work. One of the deponents states that he was aloft, and the first thing that aroused his attention was a violent tumult on deck. He looked down on the port side by the main hatchway, and saw the man Sweeney struggling with a great number of coolies ; what it meant he could not tell ; they backed him against the main hatchway, and down he fell below, when, presently, he saw the man Morrison make a rush on deck with his head and face all over blood ; he then seized his marlinspike and made all the haste he could down the main rigging to assist in restoring order ; but, as he got down nearly level with the fore-cabin, he was assailed by a host of coolies that had got possession of the tops of the houses fore and aft ; they had broken tiles, bricks, glass, and every other sort of weapon they could lay their hands upon. Some of the coolies seeing the deponent likely to get down, seized on a boat's mast, or spar, that was on the house, and gave him a thrust in the breast that pushed him out of the rigging ; he fell head downward, but recovered himself with all the strength and speed he was master of, and began to ascend the rigging again, with all dispatch, as his only chance of safety ; he fully perceived their intention was to shove him overboard, when they again got the spar to bear against his breast, and it was with considerable difficulty, and not until he tore his clothes and the skin from his breast, that he got out of their reach, and got aloft as soon as he could.

Deponent further states that he witnessed scenes which for cruelty he never saw equalled. On the port side of the deck lay the captain, stretched full length between the main rigging and the fore part of the cabin, with his head and features covered with blood ; the coolies had got hatchets, saws, pikes, and axes, chopping him up in such a way that it would have made any man tremble with horror. They had also Morrison, (the second mate,) and were trying to kill him, but he being a powerful man they could not accomplish it easily ; they surrounded him and forced him over the side, when he got one arm over the swinging boom and the other hand hold of the fore sheet ; the coolies had got rice pounders, handspikes, boarding-pikes, and

every thing they could get hold of, and were beating and pushing him in every way possible, till he fell dead.

The coolies kept around the forecandle in hopes of keeping some of the sailors down, at the same time throwing down water, the carpenter's grindstone, anvil, and billets of wood, in hopes to keep them all down; thus were these. Richards went down to give the alarm, and was the first man to go up; he made aft on the port side, and was forced up the mizen rigging along with Wiley. Gilbreth and Pendexter came aft on the starboard side; Gilbreth lost his bayonet off from his musket, and Pendexter lost his hatchet; the muskets that the deponents had would not go off, and had no chance to defend themselves. Richardson was coming up out of the forecandle when the coolies hit him with a large wooden maul three times, cutting his head severely, his face and neck was covered with blood. Hook had been injured very much, and bled freely; he could hardly get up, being so weak. Bremton had no use of one of his hands, for it had been swollen very badly with boils; he with several were forced out on the bowsprit, and forced to go up the head stays; by this time the man at the wheel had been killed and thrown overboard, and there being no one down on deck to work the ship, the coolies began to get frightened among themselves. Bremton, Richardson, Jerome, Gilbreth, and Pendexter, were aloft forward. Hook had got to the head of the jib, and could get no higher until a rope was lowered down to him; he made it fast round his body, and was then hauled up. Fry was alone in the maintop; the coolies seemed inclined to go after him; and he thought it best to get along with the rest of the shipmates; so he went down on the main royal stay into the foretopmast cross-trees. After which, the coolies began to make signs to us to come down, but we did not dare trust them, so they began to fire at us; but the guns fortunately would not go off. We remained aloft some time. Hook was the first to go down on deck, when some of the coolies wanted to throw him overboard, but the cook prevented them from so doing; he being Chinese, told the coolies that they could never get the ship to any place whatever if they killed the crew; after which, they began to beg of us to come. Richardson then went down, and, as soon as he got down, Fry started to go, when the coolies stopped him until he threw his knife overboard; they then took him to the interpreter, and ordered him to tell the rest of the crew to come down and work the ship, and that they would not hurt them. After we had all got down, we looked around to see how many were missing. We found missing the captain, first mate, Morrison, (acting second mate,) Black and Brown. After we had got the ship to rights, the coolies took us, bound our legs and arms, and put us into the house on deck, with the exception of two men, who were to steer and look out for the ship.

Richards, in the afternoon, either was pushed or jumped overboard, as we have never seen him since; the mate was killed in his cabin. On Wednesday the coolies brought us charts and nautical instruments, and told us that we must take the ship to Formosa in four days, or else they would kill us all; we being no navigators, it alarmed us not a little; we shaped our course for the island as near as we could. They

left Smith go aft to help look after the ship. Thursday a sail was seen by some of the men at a distance, the coolies fighting very much among themselves, and we were kept in constant fear of our lives, as we did not know what minute they, the coolies, would fall upon us and slaughter every man. It came on to blow and we were set at liberty, and no one was again made fast; we shortened sail, and strict watch was kept over us. Friday made land, the coolies tolling the bell and playing on their instruments; our interpreter would not tell us what it meant; he took charge of the ship, and had a loaded revolver, which he kept in his hand. Found that the Chinese wanted to murder us, and that Joe, the interpreter, was one of them. The coolies thought the land to be Formosa, and would not allow us to put the ship about until the Chinese had satisfied themselves; after finding out their mistake we were ordered to put out for sea. Next morning we discovered another island to the northward, which was supposed to be Formosa; we continued beating to windward all that day until the next night before we were well up to the island; saw next morning small islands extending to the eastward. The coolies thought there might be a landing effected, so we hove the ship to, put out one of our sampans—Richardson, our cook, and two coolies went in her—but could not get a landing, as the surf ran high and reefs all around. The wind was blowing very hard, and we thought it best to run down to the south end of the land and beat up on the west side of it, in hopes that we could find a good harbor in case it proved to be Formosa. We continued working to the windward Monday and Tuesday, and on Wednesday morning saw another island to the northward and eastward, and a small bay in the south end of it. Stood in until we got 20 fathoms water, and then 7, and before the lead could be cast again the ship took ground. We then got our boat and sampan out, and commenced landing the coolies as fast as possible, we think about one hundred that day, the coolies taking provisions and everything that had a value on shore. We found the natives on the island to be a kind race of people, they gave up their houses to the coolies while they built places to live in. Next day, after getting the ship off from the reef, we continued landing the coolies. Joe, the interpreter, wanted us to run the vessel on shore, as he said the governor of the island wished to break her up; this we did not believe, and would not do so. The coolies then took two of our men on shore; the rest of us then got the long-boat out and partly filled her with provisions, in case anything should happen we might take to her; the coolies remaining had armed themselves with swords, knives, &c. Smith and Valentine volunteered to sleep in the boat and keep her baled out until morning, but they hearing a noise on deck that took place among the Chinese, and, as we supposed, became alarmed and cut the rope, as we have never seen or heard of them since. Friday, continued landing the coolies; we were all taken on shore except the carpenter; they then tried to work the boat themselves, but they found they could not manage it. Saturday they took three men to work the boat for them, landed most of the coolies; some of us got on board and found only, as we supposed, 15 or 20 coolies on board; we informed the men on shore, and all got off with the exception of two.

We then slipped the cable and made sail on the ship ; seeing two men running towards the beach, sent a boat to them and got one, the other was retained by the coolies ; we filled away and stood out, steered that night about northnorthwest, light breeze. Next day found 23 coolies on board, and the cook told us that they were plotting to kill us, so we mustered all the arms we could find, called them aft and told them we wanted them in the cabin ; we put 13 in double rope yarns then, and in the course of the day got the 19 in and fastened, keeping a sentry over them until we reached Amoy.

ROBERT BREMTON,
CHARLES H. GILBRETH,
WILLIAM PENDEXTER,
WILLIAM FRY,
JOHN SWEENEY,
FREDERIC WILEY,
FRANCIS JEROME,
DANIEL RICHARDSON,
his
THOMAS x DAVIS.
mark.

The following is a true copy of the original record in the books of this consulate.

Attest :

CHAS. WM. BRADLEY, JR.,
Vice Consul in charge.

True copy.

J. L. PEREIRA.

No. 14

Contains only Sir John Bowring's acknowledgment of dispatch, requesting him to transmit thanks, &c., and promising compliance.

No. 15.

Commodore Aulick to Mr. Parker.

UNITED STATES STEAM-FRIGATE SUSQUEHANNA,
Hong Kong, June 4, 1852.

MY DEAR SIR : I hasten to inform you that I returned here to-day, twenty-five hours from Amoy, whence I brought and have now on board twenty of the "Robert Bowne's" pirates, and also the cook and the two boys whom Mr. Bradley reported as having behaved friendly towards the crew at the time of the murder and plunder on board of that ship.

It is desirable that some course should be adopted for the disposal of these people with as little delay as possible, and I therefore beg the favor of you to consult with Mr. Forbes on the subject, and let me hear from you at your earliest convenience.

I am, with great respect and regard, yours, very truly,

J. H. AULICK.

No. 16.

Mr. Parker to Commodore Aulick.

[Extract.]

LEGATION OF THE UNITED STATES,
Canton, June 5, 1852.

SIR: I have the honor to be in receipt of your note of yesterday. * * * * I lose no time in complying with the request with which this note is accompanied.

The case, in some of its features, is a novel one, and, so far as I am informed, has no precedent in the history of piracies that have fallen under the jurisdiction of the government of the United States. It is a case in which a piracy has been committed on board of a United States merchant vessel, not by its own ship's company, not by another vessel, but by certain persons, subjects of another nation, who were on board of said vessel in the quality of passengers.

By the statute law of the United States enacted by Congress April 30, 1790, and the acts of March 3, 1819, and of January 30, 1823, this case of piracy upon the high seas comes clearly under the cognizance of the government of the United States. But in view of all the circumstances of the case, the distance from the United States, the large number of the pirates arrested, and likely to be captured, the want of a knowledge of their language in any court of the United States, and other difficulties in the way of their being sent thither which might be specified, it appears to me expedient and admissible, having made due investigations, to hand over so many as shall be found guilty of piracy to the Chinese government, to be punished conformably to the laws of China. What expediency dictates in the present instance I conceive is also justified by the law of nations.—(Wheaton, vide Law of Nations, page 177,) is in point: "*Piracy under the law of nations may be tried and punished in the courts of justice of any nation by whomsoever and wheresoever committed.*"

The piracy committed on board the "Robert Bowne" is clearly piracy by the law of nations, and not piracy created by municipal statute, which can only be tried by that State within whose territorial jurisdiction and on board whose vessel the offence was committed.

P. S. Forbes, esq., United States consul at this port, is now at Macao, but I have, previously to his leaving, ascertained that he concurs in the course I have now suggested, and, if agreeable to you, will

cheerfully assist in the investigation of the pirates on board the "Susquehanna," preliminary to those who are found guilty being delivered over to the Chinese government, or, if so determined, to sending them to the United States. I shall therefore request him, in the event of your informing him that such is your desire, to attend at such time and place as you shall appoint, to assist in the investigation of the Chinese prisoners now in your custody. A copy of the depositions of the surviving seamen of the "Robert Bowne," taken before the United States vice consul at Amoy on the 17th ultimo, is herewith enclosed. The depositions taken before the United States vice consul at Shanghai on the 28th April are already in your possession.

On receiving from you the result of said official investigation, and the statement of your concurrence in the expediency of delivering over the guilty to this government, I shall, without delay, address the imperial commissioner, and request his excellency to receive and dispose of the same, as the interests of justice and the public good demand.

I have the honor to remain, sir, with great respect. your most obedient servant,

PETER PARKER.

No. 17.

Mr. Parker to Mr. Forbes.

LEGATION OF THE UNITED STATES,
Canton, June 5, 1852.

N. B. Merely recapitulates what is written in No 16 to Captain Aulick, in respect to Mr. Forbes assisting in the investigation, if requested by Captain Aulick.

No. 18.

Commodore Aulick to Mr. Parker.

UNITED STATES STEAM-FRIGATE SUSQUEHANNA,
Hong Kong, June 7, 1852.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 5th instant. * * * *

I concur in your suggestions in reference to the manner of disposing of these pirates. But as the principal of the criminals, as well as the most material witnesses in the case, are now on board the "Saratoga," it will be necessary to delay the investigation until her return to this port, which may be expected every day.

Immediately on her arrival I will inform you of the fact, and request the assistance of Mr. Forbes in the investigation, which will be held at such place as you and he may deem most convenient and suitable.

I am, sir, very respectfully, your obedient servant,

J. H. AULICK,

Commanding U. S. Squadron, East India and China seas.

No. 20.

Mr. Bradley to Mr. Parker.

[Extract]

UNITED STATES CONSULATE,

Amoy, June 4, 1852.

SIR: * * * * Besides these prisoners, I placed on board the government vessel (Susquehanna) three very important witnesses, viz: the Chinese cook and two coolies, who were on board of the "Robert Bowne" at the time of the murder, and are considered innocent, and who saved the lives of the crew several times, besides rendering very important services in bringing the ship back to this port. * * * I can assure you, sir, of Captain Bryson's intention to proceed *direct* to San Francisco with these coolies, and not to the Sandwich islands, as rumored.

I remain, sir, with the highest respect, your obedient servant,

CHARLES WM. BRADLEY, JR.

No. 22.

Commodore Aulick to Mr. Parker.

UNITED STATES STEAM-FRIGATE SUSQUEHANNA,

Hong Kong, June 8, 1852.

MY DEAR SIR: The "Saratoga" arrived this morning, bringing with her sixty-nine of the "Robert Bowne" pirates, twenty-three of whom were received by her from the "Lily," the other forty-six captured on the island by the "Saratoga."

I beg that you and Mr. Forbes will consult together as to the best mode of disposing of them, and write me on the subject at your earliest convenience.

I have just returned from a visit to the governor and Dr. Bowring, and from the informal conversation I have had with them on this subject, I am inclined to believe that if we should have a preliminary examination and select the principal actors in the tragedy, and are able to make out a case of piracy under the law of nations

against them, the authorities of Hong Kong will not hesitate, on a formal application from us to receive, try, and punish the guilty.

The preliminary examination can be held at this place, Cumsing-moon, or Whampoa, whichever of these places you and Mr. Forbes may deem most proper.

But should you deem it best to hand over the ringleaders for trial here, I think it would be best to have the preliminary examination take place at this port, and the sooner the better.

I write in great haste to save this evening's mail.

Very respectfully and truly yours,

J. H. AULICK.

No. 23.

Mr. Parker to Commodore Aulick.

LEGATION OF THE UNITED STATES,
Canton, June 9, 1852.

SIR: * * * * I have only time to reply to the main subject of your dispatch, the disposal of the said criminals.

The views contained in my communication of the 5th instant I see no reasons for modifying, and, granting those found guilty of piracy are not to be sent to the United States, there seems a special propriety in handing them over to the Chinese government, to be tried and punished according to the laws of China. It appears to me that *Whampoa*, all things considered, will be the best place for the preliminary investigation, where it will be convenient to transfer the guilty to their own government. In each of the above views our consul, P. S. Forbes, esq., with whom, agreeably to your request, I have now conferred, fully concurs. He has expressed his willingness, however, to assist in the preliminary investigation at Hong Kong, should you prefer that port for the purpose.

In the event of the Chinese government declining to receive these criminals, it may be deemed expedient to avail ourselves of the highly friendly offices of her Britannic Majesty's government at Hong Kong, to which you allude.

I remain, sir, with great respect, your most obedient servant,

PETER PARKER.

No. 28.

Mr. Parker to Seu Imp, high commissioner.

LEGATION OF THE UNITED STATES,
Canton, June 14, 1852.

SIR: The undersigned, chargé d'affaires *ad interim* of the United States of America to China, has to inform your excellency of a most atrocious act of piracy, committed upon the high seas and away from China, on board an American merchant vessel, by subjects of China.

The United States merchant vessel "Robert Bowne," Captain Bryson, sailed from Amoy on the 21st of March last, having on board several hundred Chinese passengers bound for San Francisco. When nine days out from Amoy, said Chinese passengers rose, and, with vicious hearts, killed the captain, first and second officers, and four seamen, took command of the vessel, and compelled the remainder of her crew, under threats of death, to take the vessel to an island, where they plundered her, and all but about twenty of the Chinese landed. Afterwards the surviving seamen succeeded in binding the remaining Chinese, slipped the cable, and brought the vessel into Amoy.

Foreign men of war immediately proceeded to the island, and have succeeded in capturing several tens of the pirates.

This act of piracy occurring on board an American vessel, and upon the high seas, the pirates, no matter to what nation they belong, are amenable to the laws of the United States; but, in the present instance, the undersigned, Commodore Aulick, commanding the naval forces of the United States in the China seas, concurring, is willing to waive this right and to deliver over to your excellency the principal offenders to be tried and punished according to the laws of China. He therefore, as behoves him, addresses your excellency, and requests to be informed whether your excellency will receive said criminals and try and punish them according to the laws of China?

On receipt of your excellency's reply, expressing it to be your pleasure to receive these criminals, the undersigned will communicate with your excellency again, furnishing full details of the revolting catastrophe, as evidence upon which to proceed in the trial and punishment. Said criminals are now in custody of Commodore Aulick, and as it is inconvenient for them long to remain on board a man-of-war, the undersigned requests an early reply, in order that they may immediately be delivered over to your excellency's court.

The undersigned avails himself of this opportunity to renew to your excellency the assurance of his high consideration, and has the honor to remain, sir, your excellency's most obedient servant,

PETER PARKER.

No 29.

Seu Kwang Tsin, hereditary lord, of the first grade, governor general of the Two Kwang provinces, *ex officio* a president of the board of war, minister and commissioner of the Ta Tsing empire, and Pih Knei, by imperial appointment a vice president of the board of war, lieutenant governor of Honan and detained (at Canton) to superintend the seals, have the honor to acknowledge the receipt of the honorable vice commissioner's dispatch, of the 14th instant, from which we understand that passengers, subjects of China, on board a merchant vessel belonging to his honorable nation, have killed her captain, officers, and seamen, and on perusing it we were shocked exceedingly.

Seeing, of those remaining on board the vessel, and of others who had landed, several tens have been arrested, it is manifestly right that they be sent to China to be dealt with according to law, and that which the dispatch sets forth is conformable to the treaty, and sufficiently evinces the honorable vice commissioner possesses a clear perception, and lucidly discriminates affairs, and we the minister and lieutenant governor are exceedingly delighted and gratified. We wait the delivering up of the said criminals, when we will instantly institute a trial of each separately and punish them, with a hope that there may be no tendency, on the one hand to punish the innocent, or on the other to connive at the guilty.

As requisite we make this communication, and avail ourselves of the occasion to present the compliments of the season, &c.

The foregoing communication is addressed to Peter Parker, minister* and commissioner of the United States of America to China.

HERN TANG, 2nd year 4th month 30th day, (June 17, 1852.)

No. 30.

Mr. Parker to Commodore Aulick.

LEGATION OF THE UNITED STATES,
Canton, June 17, 1856.

SIR: I hasten to inform you that I have this day received the joint reply of the Imperial Commissioner Sew and his Excellency Pih, lieutenant governor of Honan, to my dispatch of the 14th instant, relative to delivering over to the Chinese government the principal actors in the "Robert Bowne" tragedy.

I am happy to inform you that their excellencies seem well pleased with the proposition, and will receive the offenders, and, immediately on their being delivered over, institute a clear investigation and management of the case. The early departure of the steamer * * * prevents my sending you a translation of their reply, * * * the way now seems clear for carrying out your purpose of proceeding to Whampoa, and there instituting the preliminary trial.

On being informed of the time and place of said trial, I am desirous of communicating with you again, prior to that investigation, and shall be glad, should it comport with your plans, if the organization of the court of inquiry be deferred till after the mail closes here, which will be on the 21st instant.

In order to the completeness of the archives, as respects the case of the "Robert Bowne," I shall esteem it a favor if you will furnish the

* N. B. It is a rule with the Chinese to adopt the same title in replying to a foreign officer as the one claimed by him in his dispatch, in the present instance there is a departure from that rule

legation, by return post, with a copy of the report of the "Saratoga's" late voyage to Amoy and Magicosima.

I have the honor to remain, sir, with high respect, your very obedient servant,

PETER PARKER.

No. 31.

Mr. Parker to Commodore Aulick.

LEGATION OF THE UNITED STATES,
Canton, June 18, 1852.

SIR: * * * * You will observe my communication of the 14th instant is acknowledged by his excellency Pih, in his own name and that of Seu, the imperial commissioners, and is a straight forward acceptance of our proposition.

From my personal acquaintance with his excellency Pih, I have no reason to doubt that what is promised in their excellencies' reply will be fulfilled in good faith.

I am, sir, very truly, your obedient servant,

PETER PARKER.

Mr. Parker to Mr. Webster.

[Extract.]

[No. 31.]

LEGATION OF THE UNITED STATES,
Canton, July 20, 1852.

SIR: In my last dispatch the hope was expressed that the case of the Robert Bowne would be speedily and satisfactorily settled.

This expectation was based upon the apparent cordiality and straight-forwardness with which their excellencies, Seu and Pih, in their communication of the 17th ultimo, acceded to the proposition to receive and try the pirates by the laws of China.

You will easily conceive my surprize on receiving their excellencies' dispatch of the 9th instant, (enclosure No. 11,) to discover a most flagrant breach of good faith on their part. The sworn testimony of eye witnesses to the murder and piracy that had been furnished them, as taken before the court of inquiry, had been set aside, and the evidence of the seventeen pirates adopted, and they accordingly pronounced innocent, and Captain Bryson censured as "tyrannical, beyond doubt." Against this course I have remonstrated in my dispatch of the 12th instant, (enclosure No. 12,) and shall use my firm endeavors to obtain from the Chinese the fulfillment of their pledge when they consented to receive such pirates. A week has now elapsed since the date of that dispatch, and though an answer has been called for, (No. 16,) as yet none has been received. I have now the honor to transmit you the correspondence relating to this case, (enclosures Nos.

1 to 16,) reserving the comments I wish to make for another opportunity.

* * * * *

The salvage claimed by the surviving crew of the Robert Bowne has been decided by the method adopted by underwriters, commercial houses, and ship owners, viz: by arbitration; P. S. Forbes, esq., United States consul, acting on the part of the government and the estate of Captain Bryson, and John Heard, esq., on that of the salvors. They have awarded the salvors one-fourth of the proceeds of said vessel, (vide enclosures No. 22 to 36 inclusive.)

* * * * *

I have the honor to remain, sir, your most obedient servant,
PETER PARKER.

No. 1.

Commodore Aulick to Mr. Parker.

[Extract.]

UNITED STATES STEAM-FRIGATE SUSQUEHANNA,
Hong Hong, June 19, 1852.

SIR: * * * I beg to inform you that Mr. P. S. Forbes, United States consul, at my request, organized a court of inquiry on board of this ship, on the 16th instant, composed of himself, Commander Walker, of the Saratoga, and Mr. G. R. Barry, purser of this ship. They have made a full and clear preliminary investigation, having taken the testimony of the seamen of the ship on oath, and that of the Chinese cook and boys, who showed a friendly disposition to the crew, according to China custom.

I enclose herewith a copy of the report of the court, with a list (seventeen in number) of those who, it appears, were among the principal actors in the Robert Bowne tragedy. These I shall either send, or take in this ship, to Whampoa, probably on Monday next, to be delivered over to the Chinese authorities. The others, seventy-one against whom no evidence of guilt appears, and who it seems probable were mere passive observers of the bloody scene, we are bound to consider innocent, and most of them being in a sickly and wretched condition, a sense of justice as well as humanity requires that they should be sent back to Amoy, whence they were taken, as recommended by the consular court. I intend, therefore, to dispatch the Saratoga with them in a day or two, to set them at liberty there.

Agreeably to your request, I send you enclosed copies of Commander Walker's reports of the late cruise of the Saratoga to Amoy and the Magicosima islands in pursuit of the pirates.

I am, sir, very respectfully, your obedient servant,

J. H. AULICK,
*Commanding United States Squadron,
East India and China seas.*

No. 2.

Mr. Forbes, United States Consul, and Captain Walker, United States Ship Saratoga, Mr. Barry, United States Steam-frigate Susquehanna, to Commodore J. H. Aulick.

UNITED STATES STEAM-FRIGATE SUSQUEHANNA,
Hong Kong, June 17, 1852.

SIR: In compliance with the request contained in your communication of the 14th instant, I have convened a court, consisting of myself, Commander William S. Walker, of the United States ship Saratoga, and Purser Garrett R. Barry, of the United States steam-frigate Susquehanna, which court having investigated the matter of the murder and piracy committed on board the ship "Robert Bowne," of New York, report the following result of their investigation:

* * * The court make it part of their statement that they commenced the investigation with strong prejudices against the Chinaman known as California Joe, derived from reports in circulation against him; but that the tendency of the testimony is to acquit him of all participation in the murder and mutiny, and to account very naturally for the part he subsequently acted, and which, in the unanimous opinion of the court, was compulsory, as he was the only means of communication between the mutineers and crew.

We annex the testimony as taken before the court, and also, a list of the coolies who were identified as among the principal actors in the piracy and murder, and who in the judgment of the court are guilty; these we recommend to be delivered over to the Chinese authorities. We have not been able to find sufficient evidence against the remainder of the prisoners to justify their further detention, and we recommend that they be delivered (a large portion of them are boys and miserable invalids) and sent back to Amoy.

We are respectfully, sir, your obedient servants,

P. S. FORBES,

Consul U. S. A., Canton.

WM. S. WALKER,

Commander U. S. ship Saratoga.

GARRETT R. BARRY,

Purser U. S. steam-frigate Susquehanna.

True copy:

A. VANDENHEUVIL,

Captain's Clerk.

UNITED STATES STEAM-FRIGATE SUSQUEHANNA,
Hong Kong, June 17, 1852.

List of the coolies identified as among the principal actors in the piracy and murder committed on board the ship "Robert Bowne," and who, in the judgment of the court, are guilty.

Janticklu,
 Lohwoo,
 Jiyunghae,
 Lohokan,
 Chankent,
 Chingkoo,
 Sechie,
 Ungkaw,

Guichee.

Weikee,
 Chew-woo,
 Jansoo,
 Chewkee,
 Quatunhoo,
 Limhaw,
 Khoten,
 Tanlai,

P. S. FORBES,
U. S. Consul, Canton.

W. S. WALKER,

Commander U. S. Ship "Saratoga."

GARRETT R. BARRY,
Purser U. S. steam-frigate Susquehanna.

A. VAHDENHEUVIL,
Captain's Clerk.

A true copy.

No. 6.

Mr. Parker to the Chinese Commissioners.

LEGATION OF THE UNITED STATES,
Canton, June 22, 1852.

SIRS: The undersigned, chargé d'affaires *ad interim* of the United States of America to China, has the honor to inform your excellencies that Commodore Aulick, commanding the United States naval forces in the east, arrived at Whampoa yesterday, having on board the flag-ship "Susquehanna" seventeen of the Chinese passengers who, by a court of inquiry consisting of different officers, held on board the said flag-ship on the 16th and 17th instant, were convicted as principals in the piracy committed on board the United States merchant vessel "Robert Bowne."

The testimony of the surviving American seamen, and several Chinese passengers who took no part in the affair, will require some days to translate, when it will be duly forwarded. In the meantime the undersigned addresses your excellencies, and requests that proper officers be deputed to receive said criminals from on board the "Susquehanna," and to take them to the provincial city to be kept in custody; that on the receipt of the testimony they may be tried and punished agreeably to the law of China, as is most expedient and just.

The undersigned avails himself of the occasion to present your excellencies the compliments of the season, and has the honor to remain, sirs, your excellencies' most obedient servant,

PETER PARKER.

No. 10.

Mr. Parker to the Chinese Commissioners.

LEGATION OF THE UNITED STATES,
Canton, July 8, 1852.

SIRS: The undersigned, chargé d'affaires *ad interim* of the United States of America to China, had the honor on the 20th ultimo to address your excellencies relative to the seventeen pirates who murdered Captain Bryson, first and second officers, and three seamen, of the United States merchantman "Robert Bowne," which vessel they took and plundered.

In that dispatch the undersigned forwarded the translations of the testimony of six of the surviving seamen and four Chinese, and requested your excellencies, when the case was finally disposed of, to inform him of the result.

Since that date a period of half a month has elapsed, but no information regarding the case has been received.

The undersigned must make a report of this case to his government by the outgoing mail of this month. He therefore addresses your excellencies and especially requests an early reply, informing him of the management of the said seventeen pirates, that he may report the same to the government of the United States, as is most expedient and just.

The undersigned avails himself of this opportunity to renew to your excellencies the assurance of his high regard, and has the honor to remain, sirs, your excellencies' obedient servant,

[No signature.]

No. 11.

HEEN FUN, 3d year 2d month 22d day, (July 9, 1852.)

Seu, hereditary lord of the first grade, governor general of the two Kwang provinces, *ex officio* a president of the board of war, minister and commissioner of Ta Tsing empire, and Pih, by imperial appointment a vice president of the board of war, governor of Hënan, retained (at Canton) in the charge of the seals, have the honor to acknowledge the receipt of the honorable vice commissioner's dispatch of the 6th instant, which we have perused and fully understood.

We have examined the case of piracy on board the merchantman "Robert Bowne," and we, the minister and lieutenant governor, have made thorough inquiry, and find it to be the style of thing called *buying pigs*, and is a subject which we, the minister and lieutenant governor, have heretofore thoroughly understood, and it is unnecessary to multiply discussion upon it.

Among the seventeen culprits Chin-tih-le (Tantakle) and others delivered us on a former occasion, was one Loo-too-gan slightly acquainted with the Cour dialect, and we recently received a report of their testimony from the prefect who examined them under torture, and this is arranged in order like a diagram, and seems credible, and very remote from the facts stated in your dispatch. Moreover, in the testimony appended to your dispatch of the 24th ultimo, there was the testimony of one Gilbreth that about two hundred Chinese had their tails cut off, and in the testimony of Wiley that there were Chinese whose tails had produced insects, (vermin,) and therefore they cut them off, &c., which is still more ludicrous. We have never seen a Chinese, who, on account of vermin, cut off his tail; moreover, by the established laws of China, to cut off the tail is the same as to cut off the head, and thus it is manifest the said captain was tyrannical beyond doubt; and we now enclose the testimony of each of the criminals for your perusal, and certainly you must at once perceive this to be the case, (viz: that the captain was tyrannical.) The honorable vice commissioner has hitherto been commended for intelligence, and delight in doing virtuous deeds, and we accordingly endeavor to consider that these seventeen men are without any one in the slightest degree to confront them, and without the slightest evidence against them; and seeing they have been cruelly treated, and, still more, have been examined under torture, and being innocent, is it reasonable to force them to acknowledge they are guilty? Appealing to the heart can we rest satisfied in so doing? The said criminals are natives of the province of Fuh Kein, and at Canton there is no man to confront them. We have only on the one hand to return them to their native place, and deliver them over to the local authorities of said place for clear investigation, and on the other hand to search for and arrest each of those who are testified to be the head swindlers, and rigorously to manage them, which will answer. As requisite we make this reply, and avail ourselves of the occasion to present our compliments and regards, &c. Appended is a copy of the testimony.

The foregoing communication is addressed to Peter Parker, chargé d'affaires *ad interim* of the United States of America to China.

It appears that Loo Fuh Gan testified as follows: I belong to the district of Yung Sing, in the province of Tuh Keen; age, 21. Hitherto I was resided at Amoy, as a cook in the custom-house; and on the 9th March, of the present year, an arch swindler, whom I had formerly known, Tsang Akwie, recommended me to the American ship as a hired laborer; and it was agreed that I should have four dollars per month. Now Chin-tickle and others, who together have been brought to court, have all been, first and last, recommended by arch swindlers to the ship, where we were confined in the lower hold of the ship, in all four hundred and seventy-five men.

The Americans appointed me, and three others belonging to ship, whose names and surnames were unknown to me, cooks. In the ship's hold there was nothing but fuel, rice, and candles. After embarking, the Americans gave to each of the men in the hold a written agreement, selling themselves, and if they did not sign (receive) it they were flogged. Then it was I, with all the rest, began to understand that we had been deceived by the arch swindlers, and had no alternative but to be forced to sign the agreement. Subsequently, on arriving at the offing of Loo Choo, the Americans, of a sudden, took us, one by one, on deck, and cut off our tails. Among us there were some ten and more men lying down sick and unable to move, and at this time they either beat them to death or threw them into the sea; and we seeing this, became terrified, and raised a great clamor and commotion; and the captain became greatly alarmed and dove into the water and fled, and the sailors ascended aloft to avoid harm; and I, with all the rest, being unaccustomed to navigation, called and ordered each of the men aloft to come down and take the ship to an island, where we landed and concealed ourselves upon the island. The Lew Chooans examined us and inquired the circumstances of our visit; and I and the rest of the men falsely said the ship was leaking and had come there to repair. The Lew Chooans daily gave us rice to eat. We did not think the island was surrounded on its four sides by the sea, and that there was no way to escape.

Ten days and more having elapsed, the Americans who had returned brought a man-of-war, which sailed along the island and opened her cannon upon us, and, amid thunder of the cannon, three or four hundred were killed; and with Chin-tik-le, and others whose names are unknown to me, altogether seventy and more men, beholding this slaughter, were terrified and dared not conceal ourselves, and were imprisoned down in the original ship, ("Robert Bowne,") which returned to Hong Kong. Afterwards they took me, and Chin-tik-le, and others, and sent us to the officers for trial; besides, there were youths and sick persons, several tens, whom I hear have been returned to Amoy.

I and Chin-tik-le truly have been deceived by the arch swindlers. Moreover, we have not received from the Americans the price of our bodies, neither have we killed the Americans, or plundered the American ship of money or cargo. This is the truth.

Chin-tik-le testified that he belongs to Amoy, in the province of Juh Keen; is 28 years old; and that he was enticed on board the American ship by an arch swindler, Le Yew.

Chew Yu testified that he is an Amoy man, 18 years old, and was enticed on board the American ship by an arch swindler, Lin Pik.

Chang Hae testified that he belongs to the district of Tung Gūn; is aged 26.

Loo Yew testified that he belongs to the district of Haë Cheng; age, 36.

Koo Teen testified that he belonged to the district of Haë Cheng; age, 35; and, with Chang Hae and Loo Yew, were enticed on board the American ship by the arch swindler, Keang Lin.

Lin King Chan testified that he belongs to the district of Lung Ke;

age, 25 ; and was inveigled on board the American ship by the arch swindler, Chin Heen.

Kwang Hin testified that he belongs to the district of Yung Sing, age, 19 ; and was entered on board the American ship by the arch swindler, Chin-aboo.

Chin Lae testified that he belongs to the district of Jung Gän, age, 33 ; and was enticed on board the American ship by the arch swindler, Woo Pei.

Tsae Leang Ring testified that he belongs to the district of Jung Gän ; age, 29 ; and was enticed on board the American ship by the arch swindler, Pih Paon.

Kwang Ren testified that he belongs to the district of Jein Keang, age, 18 ; and was enticed on board the American ship by the arch swindler, Keang Seen.

Le Füh testified that he belongs to the district of Jung Gän ; age, 19 ; and was entered on board the American ship by the arch swindler, Kwang Aking.

Le Haë testified that he belongs to the district of Lung Ke, age 23, and was enticed on board the American ship by the arch swindler Way Kwei.

Chwang Ke testified that he belongs to the district of Jung Gän, age 37, and was enticed on board the American ship by the arch swindler Wookwei.

Wei Jeen testified that he belongs to the district of Nan Tsing, age 35, and was enticed on board the American ship by the arch swindler Hang Ching.

Chewkee testified that he belongs to the district of Nan Tsing, age 19, and was enticed on board the American ship by the arch swindler whose surname he does not know, but whose name is Akoo.

Chin Tsava testified that he belongs to the district of Lung Ke, age 29, and was enticed on board the American ship by the arch swindler Hang Ching.

These all corroborate the testimony of Loo Fuh Gän.

No. 12.

Mr. Parker to Seu and Pih, Commissioners, &c.

LEGATION OF THE UNITED STATES,
Canton, July 12, 1852.

SIRS: The undersigned, chargé d'affaires *ad interim* of the United States of America to China, has the honor to acknowledge the receipt of your excellencies' dispatch of the 9th instant, and on perusing it was utterly astonished at the breach of good faith it contained. Originally the pirates who murdered Captain Bryson and others upon the high seas, and took possession of the "Robert Bowne" and plundered her, were amenable to the laws of the United States, but on receiving the assurance of your excellencies that you were willing to receive the

said pirates, and would try and punish them according to the laws of China, the right of the United States in this instance was waived.

The undersigned is well aware that by the laws of China piracy is a capital offence.

By the court of inquiry held on board the United States steam frigate "Susquehanna," consisting of three officers of the United States, P. S. Forbes, esq., United States consul, Captain Walker, of the United States sloop "Saratoga," and G. R. Barry, esq., an officer of the "Susquehanna," out of seventy and more of the passengers, seventeen men were found guilty of murdering the captain and others with their own hands, according to the testimony of six of the surviving crew and four Chinese, eye-witnesses of the bloody deed, which evidence was translated and forwarded to your excellencies.

Now it appears that your excellencies have examined this case of piracy and find it to be "the style of thing called buying pigs," and the sworn testimony of Gilbreth and Wiley to be "ludicrous." Moreover, your excellencies have received the testimony of the seventeen men condemned by the court of inquiry as pirates, which, with slight exception, as can be easily proved, is false throughout, and upon the evidence of these pirates denounce Captain Bryson, who is well known to be a kind and humane man, as "tyrannical beyond doubt."

If your excellencies will re-examine the testimony which has been translated and forwarded, you will find that this case of piracy was *premeditated* before the vessel left Amoy; that there were but four hundred and ten passengers, and not four hundred and seventy-five; that it was from regard to the cleanliness and health, which was very necessary on a long voyage, the tails were cut off; that many voluntarily requested it to be done; that the captain did not dive into the water and flee, but was murdered and his body brutally mutilated after he was dead, and then by the pirates thrown overboard, his officers and three men were also murdered, the ship taken possession of and plundered, and that these men have been confronted both by the surviving crew and by innocent Chinese witnesses. How then can it be said "they are without any one in the slightest degree to confront them, and are without the slightest evidence against them?"

The undersigned has the official report of the United States sloop "Saratoga," that went to the island Pachungsun, and not a gun was fired, not a man killed by her.

As to these men being forced to sign a deed down in the hold of the vessel, selling their persons, your excellencies need but to examine one of these original contracts, taken before the United States consul at Amoy before they embarked, herewith transmitted, to perceive the utter falsity of the assertion.

Your excellencies state that these men are natives of Fuh Kein, and at Canton there are none to confront them, and you have only to return them to their native place, &c.

When these men were delivered over to the custody of the local authority at Amoy, the United States consul reported to the undersigned that the local authorities there had not the power to try and punish for capital offences, therefore the flag-ship "Susquehanna" proceeded thither, and brought them to Canton; now to send them

back to Amoy, will be trifling with the government of the United States.

It seldom occurs in a case of piracy that the evidence convicting the pirates is so conclusive as in the present instance, but if your excellencies still entertain doubt of the guilt of the said seventeen pirates, the undersigned is willing, according to the 24th article of treaty, that a court be held on board the flag-ship at Whampoa, consisting of officers of both governments, and there in the presence of both to confront said pirates by the surviving crew and several innocent Chinese passengers, which will be most just and proper.

That the seventeen men are guilty of piracy there is not the shadow of a doubt, and justice and the common good of mankind require that the murderers be capitally punished, and the government of the United States will not be satisfied till it is so done.

It is earnestly hoped that this case may be early reported as finally disposed of.

The undersigned has the honor to renew to your excellencies the assurances of his respects, and remains, sirs, your excellencies' obedient servant,

PETER PARKER.

No. 12.

Translation of an original contract between Captain Bryson and Chin Suy.

Now, the undermentioned contracting parties, viz: Chin Suy, a Chinese, and Wannaeshun, (Bryson,) for and on behalf of _____ belonging to California, in the United States of America, have together agreed, on the eighteenth day of the third month, in the year of our Lord one thousand eight hundred and fifty-two, that the said Chin Suy is willing to serve and labor for _____, on whose account Bryson makes this agreement, or for any party who _____ may appoint to control his affairs, as shepherd, laborer, or whatever capacity may be required in the State of California, for a term of five years. And the said Chin Suy hereby states his readiness to obey, in every respect, any the orders or directions which he may at any time receive either from _____, or from any party nominated by _____, or by Bryson, to manage his affairs. And Bryson hereby agrees, on the part of the said _____, that Chin Suy shall receive wages at the rate of three dollars per month, which shall be paid him at the close of each quarter; and that payment of wages to Chin Suy, at this rate, shall commence from the beginning of his service in said State. Bryson also undertakes to provide Chin Suy with a good sleeping place, and with food equal in quality to such as is ordinarily eaten by workmen in China. (Chin Suy?) also agrees to repay, by means of four equal quarterly instalments, to be deducted from his wages, the sum of six dollars, which has been

advanced to him by Bryson, or by the party on whose account Bryson makes this agreement. And as words alone furnish no proof of the above agreement having been duly contracted, this deed has been executed in duplicate, each of the contracting parties keeping one copy.

Witnesses to the signatures and payment of the money.

Consulate of United States of America, at Amoy, China.

[L. s.]

PE-TE-LEE, (Bradley.)

WAN-NAE-SHUN, (Bryson.)

This eighteenth day of the third month, in the year of our Lord one thousand eight hundred and fifty-two.

No. 15.

Interview with Howqua, July 15, 1852.

At an early hour this morning Howqua sent his card, proposing to call on me at 12 o'clock. I immediately sent my card, stating that if the object of his call was a friendly one, on such occasion I am always happy to see him; but if it related to public business, now in the hands of the officers of the two governments, I could not see him; he returned word that it was private and friendly.

At a little past twelve he came, and, after the usual salutation, he observed that ordinarily he should not speak upon the subject now pending between the two governments. But there was a few points upon which, at the instance of his excellency Pih, he wished to speak with me, and, perceiving he was disposed to listen to the truth of the case, I entered very fully into its merits.

At his request I showed him my dispatch to their excellencies of the 14th June, proposing to waive the right of the United States and to hand the pirates over to them, &c. I remarked that I knew, by the laws of China, piracy was a capital offence; this he admitted with great readiness; the seventeen men are convicted by unequivocal evidence, and must be decapitated. He inquired if the seventy men had been returned, &c.? If the four witnesses were included in the 410? I thought *one* of them, but could not be positive; but that the rest belonged to the ship, as they were cooks. He said Pih was not opposed to decapitating them, *but they will not confess their guilt*. To this I replied that of course they would not; that men who will kill, will lie; and supposed a case in which he and the commodore and governor were eye-witnesses to a murder, if this witness would not be sufficient without the confession of the murder? To this he could say nothing.

He remarked there was no precedent for the trial, according to the 24th article of the treaty. True, it was replied, no case like the present has arisen since the treaty. I admitted the article originally con-

templated slighter cases, but was willing to confront it in this, as it was most proper and just.

He asked if the four Chinamen might be availed of to confront the seventeen men? On board the flag-ship, I replied; but could not deliver them up. Why? Because the seventeen men must know their evidence convicts them, and will be angry towards them, and endeavor to involve them.

The force of this objection he seemed to appreciate. He at length asked, what was best to be done?

The *first* best plan is for his excellency, Pih, to re-examine the evidence, to admit the falsity of that of the seventeen pirates, and the validity of the six seamen and four Chinese, and condemn and execute the seventeen men at once—if to-morrow, so much the better for both governments—and added, emphatically, the United States government would persist till they are executed. That to liberate them would be to afford them opportunity of committing other piracies, and would be like letting tigers loose to destroy the people. To this, he remarked, they are originally bad men! Yes, beyond doubt. He adverted to returning them to Amoy. This I strongly protested, for the reason set forth in my dispatch of the 12th instant.

The *second* best course would be, to hold a mixed court on board the “Susquehanna,” if their excellencies are not satisfied; but that my own government is immovably settled in the conviction of their guilt.

These two measures were reported to him before he left.

In the course of the interview, I remarked that *justice* should be the aim of both governments. That if I thought the men innocent and Pih thought them guilty, I would use all my influence to have them acquitted. I also assured him the commodore, the consul, and every one acquainted with the subject, took the same view as I had expressed of their guilt and desert. Also informed him I had taken measures to have more of the guilty men at Pa-chung-san arrested, that if his government would not deal justly by these, that they may be sent to the United States for trial and punishment.

The interview was very friendly and satisfactory, and, under the circumstances, may be admissible, having protested the propriety of such interference.

PETER PARKER.

Mr. Parker to Mr. Webster.

[Extract.]

[No. 32.]

LEGATION OF THE UNITED STATES,
Canton, August 19, 1852.

SIR: It becomes my duty to inform the department that I have pursued the case of the unfortunate “Robert Bowne” so far as is practicable or expedient to do by correspondence, and now refer the sub-

ject to the superior wisdom and pleasure of the home government.—
(Enclosures 1 to 13 relate more or less directly to this case.)

My proposition for a joint trial on board the flag-ship at Wham-poa (vide dispatch No. 31, enclosure No. 12) having been declined, (enclosure No. 1,) the four Chinese witnesses were delivered up, a petition to that effect having been presented me by eighty-four Fühkūn men, (No. 2,) at the same time offering to produce the surviving sailors, (enclosure No. 3.) To this their excellencies paid no regard; but proceeded to confront the seventeen men by the Chinese witnesses alone, and reported that, accordingly, only one criminal, Sooyew, had been found guilty; a second had died in prison, and the remaining fifteen declared innocent, (No. 6.) Against this exclusion of important testimony, I remonstrated and insisted upon the evidence of the sailors being taken, (No. 7.) This was also refused, on the ground that there was no precedent for it, (No. 9.) The tenor of this dispatch is highly exceptionable, even more so in the Chinese than in the translation, and called for the decided tone adopted in my rejoinder, (No. 11,) to which I particularly request your attention; and in which I have shown that there exists a precedent for the course I had proposed, briefly recapitulated the important points in the case, alluded to the necessity of equity and justice on the part of both governments, intimated that the government of the United States will hereafter execute its own laws, in cases of piracies on the high seas that come under its jurisdiction; and that it only remains to resume the discussion of this case with the imperial court, and to look to his Majesty the emperor for the justice which his excellency Governor Pih Kwei has refused.

I beg, respectfully, to suggest the expediency of a direct communication from the President of the United States to the Emperor of China, agreeably to the provisions of the 31st article of treaty, containing an exposé of the mal-administration of the officers with whom we have had correspondence; their failure, in repeated instances, to grant the full provisions of the treaty, at the same time availing of the opportunity to present this *recent instance of breach of good faith*, on the part of an imperial officer, in a case in which the lives of our countrymen have been sacrificed by subjects of China.

The necessity of this measure will be further illustrated by correspondence I shall soon have occasion to transmit you relative to the spirit and conduct of the local authorities at Füh Chow.

* * * * *

Enclosures * * relate to the sale of the "Robert Bowne" on the 24th July. From the report of Mr. Bradley, it appears that said vessel and stores sold for \$8,372 09, and that the nett proceeds are 6,082 71.

With sentiments of esteem and distinguished consideration, I have the honor to remain, sir, your most obedient servant,

PETER PARKER.

No. 1.

Seu, imperial high commissioner, &c., Pih, governor of Honan, &c., have the honor to acknowledge the receipt of the honorable vice commissioner's two dispatches of the 12th and 19th instant, both of which we have perused and fully understand.

We have examined the dispatch of the 12th instant, which quotes the 14th article of the treaty which relates to the transshipment of goods, &c., and must have been erroneously quoted.

In the 21st article it is contained:

"Subjects of China who may be guilty of any criminal act towards citizens of the United States, shall be arrested and punished by the Chinese authorities according to the laws of China, and citizens of the United States who may commit any crime in China, shall be subject to be tried and punished only by the consul or other public functionary of the United States, thereto authorized according to the laws of the United States."

The 24th article provides, that "controversies between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction, &c.," and there is nothing expressing meeting together for judicial trial, and it is rather difficult to manage accordingly.

As to the seventeen men who have been sent to us, deputed officers have several times, with special rigor, examined them under torture, and all their testimony coincides. We, the minister and governor, have again and again consulted what to do, and have doubts upon four points, and there are three things difficult to perform, and seeing we (the two nations) are at amity, it is impossible not to express them with true sincerity.

1. It is stated in the dispatch that there were 410 Chinese at the time they together committed the murder; the number of the men, altogether, was great, and certainly their hands must have been excessively occupied, and their feet in a state of confusion, filling the vessel with their clamorous noise. Is it possible to distinguish each one clearly, and be able to say these seventeen men were the murderers? This is one point of doubt.

2. It is stated in the dispatch that the 410 men jointly committed the plunder. If the whole number were brought up together, then the murderers were manifestly among them, and it would not be difficult for the water to flow off and the rock to appear, (that is, to determine the guilty.) Now, to exclude 393, without questioning them, and only send 17 men, and point them out as murderers, without the property plundered and without witnesses. This is a second point of doubt.

3. The dispatch states there are four Chinese witnesses. It were right and proper that these and the seventeen men be sent altogether for the convenience of confronting and judging them. Now, to conceal and not send them, causing the seventeen offenders to be without any to confront them, the disputed officers cannot, in the highest de-

gree, torture and force them to confess their guilt. This is a third point of doubt.

4. It has been stated in the dispatch that there are four Chinese witnesses. Then it is manifestly necessary carefully and specially to interrogate them. Now their names and surnames are altogether unknown, which is very unreasonable. And this is a fourth point of doubt.

1. China manages cases, (in this way,) one man is beheaded, another is banished; but in each case there must be the testimony and the confession of the accused, and witnesses to confront them, and the strict truth be discovered, and a list of the crimes minutely written down, and a dispatch addressed to the criminal board, (at Peking,) and the slightest doubt and flaw, and erroneously to exclude what should be inserted, and to include what should be excluded, in a high degree provokes the grave deliberation (of the criminal board) upon the offence. I, the great minister and commander-in-chief of the army in Kwang-se, and I, the governor, in his stead, manage the seals, and how can I presume, while the subject is not yet clear, to dispose of the case? I should personally provoke the grave deliberation, (of the criminal board.) This is one thing difficult to perform.

2. The said seventeen offenders take advantage of there being no one to confront them, and, being the true murderers, they would not be willing to confess it, and if rigorously examined under torture till they die, and before the evidence is established, they are in the meantime punished to death. Now, would it not be to sin against the good will of heaven and violate my conscience. This is the second thing difficult to perform.

3. On the 19th instant, from the two districts of Changchew and Chaon Chow, in the province of Fuh Kéin, Foo Yunguen and others holding official rank, eighty and more persons signing the petition, petitioned me not to return the seventeen men to Fuh Kéin, but liberate them here, and requested to become their sureties. I have not yet replied to their petition, and if the honorable vice commissioner will send these four Chinese witnesses, there is no objection to instituting another trial, and for both innocent and guilty, (literally the unsubstantial and real) there is an established law.

I make this agreement for three days; if by the 28th instant, they do not come, I have only to take the said offenders, and under restraint, send them back to the local officers of said place, carefully to try them. Moreover, I am not willing through favor to admit them to bail. I, the governor, have received from heaven an upright and guileless disposition, and can face heaven and earth, and how can I on account of ever being at amity, falsely condemn and put to death innocent subjects. This is a third thing difficult to perform. Chinese and foreigners, alike, possess a human heart, and to one possessing knowledge who peruses this, it must be plain.

As requisite, we make this reply, and avail ourselves of the occasion to present the compliments of the season.

The foregoing communication is addressed to Peter Parker, chargé d'affaires *ad interim* of the United States of America to China.

KEEN SUNG, 2nd year 6th month 5th day, (July 21, 1852.)

No. 2.

"Is a respectful statement" of Yunguen and some eighty Chinese to Mr. Parker, chargé, &c., that the seventeen be liberated on their security; and that the four witnesses be sent on and a new trial had.

Merchants holding official rank of the department of Chang Chow and Tsuen Chow, in the province of Füh Keen.—(Here follow eighty-four Chinese names.)

Dated 22d July, 1852, at Canton.

No. 3.

Is a memorandum by Mr. Parker of the reception of No. 2, from "twenty or thirty of the signers, apparently respectable men;" and that through his Chinese secretary he sent them word "that full justice shall be done, so far as I am concerned." * * * With this verbal reply they are said to have expressed themselves well satisfied, remarking "that it was just and proper."

PETER PARKER.

No. 3.

Mr. Parker to Seu and Pih, commissioners, &c.

LEGATION OF THE UNITED STATES,
Canton, July 22, 1852.

SIRS: The undersigned, chargé d'affaires *ad interim* of the United States of America to China, has the honor to be in receipt of your excellencies' dispatch of the 21st instant, which he has perused and fully understands.

At an early date the undersigned will reply to it in full, in the meantime he has examined and finds that China manages cases in this manner, "one man is beheaded, another is banished, but in each case there must be the testimony and the confession of the accused, and witnesses to confront them, and the strict truth be discovered," &c.

With the exception of the testimony and the confession of the accused, this he regards as just and proper.

It is stated in the dispatch that if the four Chinese witnesses are produced, there is no objection to instituting another trial.

The undersigned has this day received a petition from Foo Yunguen and others, eighty and more men, natives of Changchow in the province of Füh Keen, persons holding official rank, now trading at Canton, earnestly praying that the Chinese witnesses may be delivered over to the imperial commissioners for the purpose of again instituting a clear trial and confronting the seventeen men, &c.

The undersigned has conferred with Commodore Aulick, in whose charge said witnesses are, and he is willing to deliver them over from the flag-ship, now at Whampoa, and enclosed is an order to the officer in charge to that effect. Your excellencies may depute a proper officer to proceed thither immediately and receive them.

The desire of the undersigned is to furnish your excellencies all the evidence in this case for removing doubts and arriving at the strict truth; therefore, if your excellencies wish the surviving crew of the "Robert Bowne," also to confront the seventeen men, those of them who are now at Hong Kong shall be summoned to Canton without delay, on receiving your excellencies' wish to that effect, to confront the said men either in the city or elsewhere, as your excellencies may appoint.

The undersigned, throughout, has only desired that the said offenders may be fairly and justly tried, and punished according to their deserts.

As to the Chinese witnesses, the cook, Cheyen, and his two mates, it may be said they saved the lives of the surviving seamen. Had they not fortunately prevented the pirates at the time of the murder from killing all the sailors, it is to be apprehended the vessel had foundered in the gale, and not one Chinese or foreigner escaped alive. The undersigned, therefore, as behoves him, bespeaks for these four men kind treatment, and that your excellencies will excuse them from being examined under torture, and after the trial to restore them safely to this legation.

The undersigned avails himself of this occasion to present to your excellencies the compliments of the season, and has the honor to remain, sirs, your excellencies' obedient servant,

PETER PARKER.

No. 4.

Mr. Parker to Seu and Pih, commissioners, &c.

[Extract.]

LEGATION OF THE UNITED STATES,
Canton, July 27, 1852.

SIRS: The undersigned * * * reply in full to your excellencies' communication of the 21st instant. * * * the 24th article of treaty is the one quoted, and not the 14th as was erroneously written in the Chinese translation, * * * neither does any article of the treaty provide for piracies on the high seas. * * * The dispatch speaks of excluding three hundred and ninety-three men, whereas only about one hundred of the passengers have been arrested, and but about seventy were returned to Amoy. As to concealing the four Chinese witnesses there has been no such thing. As to the names * * * being unknown, these were with special care taken by the court of inquiry * * * and written down according to the pronuncia-

tion in the Füh Keen dialect, which differs widely from the court dialect pronunciation. * * As to the confession of the murderer being required, this is peculiar to the laws of China, by the laws of other nations * * * when by unequivocal evidence * guilt is established, the confession is of no importance. * * *

The undersigned will be perfectly satisfied with the due punishment of the pirates who have imbrued their hands in the blood of his countrymen, and repeats that the government of the United States will not be satisfied till this is accomplished.

* * * * *

Your excellencies' obedient servant,

PETER PARKER.

No. 6.

Seu, imperial high commissioner, &c., and Pih, governor of Hönan, &c., had the honor on the 29th ultimo to receive the honorable vice commissioner's dispatch of the 27th ultimo, which we have perused and fully understand.

We have examined respecting the four witnesses, Sealing, Nnoo, and others who have been sent, and find that at the time we immediately appointed the acting provincial judge, together with the prefect, to question them in person, first the prefect, and afterwards the judge, and according to their testimony, in every particular, the strict truth is ascertained without doubt. The testimony of the four witnesses is appended, upon a separate paper, for your perusal. The criminal Sooyen, therein mentioned, as is right, is confined in prison, to be punished according to law, and among the remaining sixteen criminals there is one Chin Too, who has died of disease.

The other fifteen, the four witnesses, Seay-ting-mon and others, are unable to point out positively, and moreover they say they dare not carelessly to testify, &c.

According to the testimony of the four witnesses, said fifteen men are innocent, and it is inexpedient to punish them. Whether it be right or not to convey them to Füh Keen and admit them to bail, I (the governor) have already addressed a letter to the minister and imperial commissioner, Seu, upon the subject, requesting him to deliberate thereon, and make known the management of the case. As to the four witnesses, Seay-ting-mon and others, they are forthwith delivered over to the assistant district magistrate of Nan Hae, in a proper manner to send back for you to receive and examine.

As requisite, we make this reply, and avail ourselves of the occasion to present the compliments of the season, &c.

Appended is the testimony.

The foregoing communication is addressed to Peter Parker, chargé d'affaires *ad interim* of the United States of America to China.

HEEN FUNG, 2d year 6th month 16th day, (August 1, 1852.)

Translation of the testimony appended.

[Extracts.]

It appears that Seay-ting-mon (*i. e.*, cook's first mate) testifies he is a native of Amoy, in the province of Füh Keen, and is aged twenty-four years.

Chin Achun, (California Joe.) * * * *

Woo Yung Ken, (cook's second mate.) * * *

Kwan Cheen Yue, (Jehu, the cook.) * * *

That all these witnesses have hitherto served on board the American ship "Robert Bowne," and upon the first month of the present year (March) a contractor for passengers took Loo Fuh Gan and many other men on board the ship as laborers, and on the 31st March the ship arrived at a place upon the face of the sea the name unknown to them, when the Americans took a great many of the men and cut off their tails, and on account of this they became dissatisfied, and their anger arose. We, Seay-ting-mon, Chin Aekeen, Kwang Ching Yeu, three men, became much alarmed, and concealed ourselves in the ship's hold. * * We only saw one American jump overboard of his own accord. I, Woo Yunk Ken, saw of those who on a former occasion were captured a person called Haeling, whose true name is Sooyen, use a sword and wound an American, who fell into the sea. I, Kwang Ching Yeu, (Jehu,) saw of those formerly captured one Chintilke take a small flag in his hand, and make use of a sword to restrain the men, and would not permit them to raise a clamor. * * * What our eyes did not see we all dare not carelessly testify. Subsequently, the numerous men on board the ship called and commanded the Americans to take the vessel to the shore of an island of Loo Choo, when they all landed and concealed themselves, except ourselves, who remained on board, altogether twenty-three men, who returned to Amoy. * * I, Chin Aken, (California Joe,) on a former occasion testified to the killing of five Americans (this I was told) by a person whose surname I do not know, but whose name is Aken, viz: that he (Aken) and another person, whom he pointed out as being a tall man and long favored, killed them. These two men are not among the seventeen. On the former occasion when brought before the court of inquiry we were unable to testify clearly. Now we have been obliged by another trial, we have testified according to the truth clearly. This is the truth.

No. 7.

Mr. Parker to Seu and Pih, Commissioners, &c.

LEGATION OF THE UNITED STATES,
Canton, August 2, 1852.

SIRS: The undersigned chargé d'affaires, *ad interim*, of the United States of America to China, has the honor to be in receipt of your excellencies' dispatch of the 1st instant, which he has perused, and fully understands.

H. Ex. Doc. 105—10

The undersigned has examined this communication, and finds * * * * that out of the seventeen men convicted by the court of inquiry, on board the flag-ship "Susquehanna," * * * only one Sooyen has been found guilty, * * * and is imprisoned to be punished according to law. * * * He particularly notices that, according to the testimony appended, Chintilke, the most guilty of all, is testified to have raised a small flag, and with a sword restrained the men, not permitting them to raise a clamor, &c. This is so remarkable, that the undersigned is compelled to believe that the testimony must have been misconstrued, and he has * * again examined the witnesses, and they testify the flag and sword were used by Chintilke, to enforce his authority with the passengers, and not to guard the surviving crew. * * Seeing it has been deemed important to confront the seventeen men with the four Chinese witnesses, why is it not equally necessary to confront them with the surviving seamen?

The four witnesses * * were down in the ship's hold at the time of the murder, * * * the sailors were on deck and saw the murder, * * * and are able to point out each man, several of those who were active in the murder, so that by one or another all the seventeen have been pointed out. Therefore, the undersigned, as behoves him, must now request your excellencies to confront these seventeen men by the surviving seamen also, as is most just and righteous. * *

Immediately on your excellencies reply, acceding to this proposition, so many of the said seamen as are now detained at Hong Kong shall be summoned to Canton, to confront the remaining fifteen men. * * * * An immediate reply is earnestly requested.

* * * * *

PETER PARKER.

No. 9.

Seu, imperial high commissioner, &c., &c., and Pih, governor of Hönan, &c., &c., have the honor to acknowledge the receipt on the 3d instant of the honorable vice commissioner's dispatch, (of the 2d instant,) which we have perused and fully understand.

In the management of business it is necessary to adjust it reasonably; in establishing discussions it is important to adhere to equity. Not to adjust reasonably is near to injustice; not to adhere to equity is near to partiality; and how, under heaven, harboring partial and unjust views, is it possible to manage business? We have examined and find the four witnesses, Seay Ting Mon and others, have hitherto been in the employ of your honorable nation, and manifestly are near and trusty men to your honorable nation, and seeing that they were near and trusty men, they have been produced to give testimony; therefore it is right that their testimony be evidence.

It is stated in your dispatch of the 2d instant, that you have again in person questioned the said witnesses, and that according to their

testimony they say Chintilke raised the flag and employed the sword simply to compel the passengers to obey his orders, and not to restrain them and prevent their killing and injuring the surviving seamen, &c. At the time the four witnesses came to our court we, the minister and governor, appointed the acting provincial judge in person to examine them, and appointed the prefect again and again carefully to examine them, and the testimony of said four men, first and last, in the main corresponds; and there was no such testimony (before the Chinese court) as that he (Chintilke) "simply compelled the passengers to obey his orders, and not to restrain them, and not permit them to kill and injure the surviving seamen." Again, you state that "the testimony must have been misconstrued." This unavoidably is a forced inference. How is it possible, that at the three or four times they have been tried, that in every instance there should be misconstruction? Moreover, the said four witnesses agree in their testimony, that besides those killed by cannon and those who died of starvation, altogether there were eighty and more men arrested, and according to the number of four hundred and ten men, exclusive of the eighty and more, there are still some three hundred and twenty and more men; and how can it be known that among those killed by cannon and who died of starvation there were not some who were the true murderers. In the dispatch of the 12th July, it is stated there were four Chinese-eye-witnesses of the murder; then, to decide this case according to the evidence of these four men is just and proper. If these four men are not sufficiently to be believed, and again the sailors be produced and interrogated—said four men, together with the sailors, being all persons in the employ of your honorable nation—if the four men are not sufficiently reliable, how then can the sailors be believed? Moreover, the sailors are all foreigners, and it will be necessary to employ a linguist to interpret their evidence, and if their testimony should be the same as that of the four men, the honorable vice commissioner will again regard it as misconstrued, and when can this case be ended?

Hitherto there has been no such means of management. We, the minister and governor, treat Chinese and foreigners alike impartially, and the expression in your dispatch, "if we wish to screen the guilty," is not the language of amity and friendship hitherto existing. China in heaven and earth places its (highest) regard, and if in a slight degree there be any screening (the guilty,) heaven and earth will not endure it; and we, the minister and governor, have nothing more to say—nothing further to deliberate. Consider this well.

As requisite, we make this reply, and avail ourselves of the occasion to present our compliments and regards.

The foregoing communication is addressed to Peter Parker, chargé d'affaires *ad interim* of the United States of America to China.

HEEN TUNG, 2d year 6th month 20th day, (August 5, 1852.)

No. 11.

*Mr. Parker to Seu and Pih, Commissioners, &c.*LEGATION OF THE UNITED STATES,
Canton, August 10, 1852.

SIRS: The undersigned, chargé d'affaires *ad interim* of the United States of America to China, has the honor to be in receipt of your excellencies' dispatch of the 5th instant, which he has perused and fully understands.

The undersigned has examined this dispatch and finds the purport to be that your excellencies decline to confront the fifteen men with the surviving seamen, and thus arrive at the strict truth in the case, that "hitherto there has been no such means of management," and that your excellencies have nothing further to say or deliberate, &c.

The undersigned requests your excellencies to refer to the public archives, in which it will be found that on the 24th of January, 1820, in the case of the massacre of the crew of the French ship *Navigateur*, by the Chinese belonging to a Chinchue junk, the murderers were brought to the consoo of the coheng, and by the prefect were confronted by Francisco, one of the surviving seamen, in the presence of many foreigners, and on that occasion the services of an interpreter were employed, and on the 30th of January, in the presence of the foreign residents of different nations, seventeen men were capitally punished. How can it be said that hitherto there have been no such means of management?

As to the men killed by cannon, the undersigned has perused the report of one of the English men-of-war, in which it is stated that "when at the island it was found that the men were all decamping the captain ordered a few shot and shell to be fired wide of them to try and turn them, and that some few were shot in trying to escape," which was perfectly justifiable, and the same would be done by your honorable nation's men-of-war under similar circumstances; and admitting some of the true murderers were among them, that does not affect the innocence or guilt of the seventeen men.

In the dispatch of the 12th of July it was stated by the undersigned that "seventeen men were found guilty of murdering the captain and others with their own hands, according to the testimony of six of the surviving crew and four Chinese eye-witnesses of the bloody deed," &c. Then it is manifestly just and proper to decide this case according to the testimony of the ten men together, and not to exclude the six sailors; but to the testimony taken by the court of inquiry on board the flag-ship, which has been translated and forwarded from beginning to end, your excellencies have paid no regard, except to call the testimony of Gilbreth and Wiley "ludicrous," neither does it appear that the evidence has been noticed by the provincial judge or prefect. The four witnesses have been able to point out only one of the seventeen as guilty, but if you will examine the sworn testimony of the six sailors, you will perceive that each were able also to point out several of the guilty, till the seventeen were identified as prime

pals in the murder. And, furthermore, according to the testimony, Chintikle, who assumed the office of captain, is the chief of the pirates, but to all this no regard has been paid. Now, your excellencies' remark, that the expression "if we wish to screen the guilty," &c., is not the language of amity and friendship hitherto existing. The undersigned appeals to your excellencies if the circumstances of the case do not justify the expression, and asks what other inference can be drawn, when such substantial evidence is excluded and these fifteen men are pronounced "not guilty." If China does not deal justly with her subjects who kill citizens of the United States, then if at some future day it shall happen that citizens of the United States shall commit the same offence towards subjects of China, how can the government of the United States forget this injustice?

If your excellencies did not wish to receive these pirates, and try and punish them according to the laws of China, you had only to decline, and this case of piracy upon the high seas had been referred to the United States to whose jurisdiction it belongs. But your excellencies in the dispatch of the 17th of June stated you were willing, and the undersigned firmly believed your excellencies would act in good faith, and did not anticipate that the evidence of the pirates was to be taken, and, according to it, the captain whom they have murdered be denounced as "tyrannical, beyond doubt," and the important evidence of the surviving seamen excluded, and the guilty pronounced innocent.

Hereafter the United States will execute their own laws in cases of piracy occurring upon the high seas; and if fortunately any of their men-of-war shall succeed in capturing others of the plunderers now at Pa-tchung-sun, they will be tried and punished by the United States, as an example for the future. And seeing your excellencies have nothing more to say, nothing more to deliberate, it only remains to discuss this subject with the imperial court at Peking, and to look to his imperial Majesty for the equity and justice the honorable governor has refused. "Consider this well."

The undersigned avails himself of the opportunity to present your excellencies his compliments and regards, and has the honor to remain, sirs, your excellencies' obedient servant,

PETER PARKER.

No. 9.

Mr. Marshall to Mr. Everett.

[Extract.]

LEGATION OF THE UNITED STATES,

Macao, March 8, 1853.

SIR: I transmit, enclosed, a circular (A) addressed by me, on the 3d instant, to the several consuls and acting consuls of the United States in China. * * * * * There is

not another movement among nations, at the present moment, so replete with interest to the United States as the policy of foreign powers connected with the *Chinese emigration* that has just commenced. I am *reliably* informed that two thousand active, *able-bodied*, healthy men, have been shipped this year from China to Sydney; large numbers to Demerara; more than four thousand, heretofore, to Peru; and that arrangements are made to conduct this emigration to the British West Indies hereafter on a most extensive scale, under the immediate auspices of the British government. Should that power seriously undertake to *populate* her West India possessions and her colonies on the coast of South America with Chinese laborers, who have no idea whatever of the right of popular participation in the direction of government, the effect to be produced upon the industrial interests of the planting States of the United States, and upon the institutions of the republics of South America, must necessarily be most disastrous to them.

I have been enabled to obtain a handbill, printed or written in the Chinese language and extensively circulated through the southern part of China, exhibiting the inducements to the Chinese to emigrate, and the terms on which such emigration will be conducted. I send herewith a translation of that paper into the English language, marked C; also forms of the contract into which the Chinese are made to enter, both in the English agency and that of Peru.—(Enclosure D.) Shekit is no other than one Mr. Scott, who, I have reason to believe, holds an appointment, direct from the home government in London, as “superintendent of the Chinese emigration.” It may be possible that his funds are furnished through a banker, but I am satisfied that he operates by the credit of the government. The subjugation and oppression of British India has been effected by the *East India Company*. The population of the whole valley of the Amazon may be attempted through a similar instrumentality; but in both cases the results enure to the government at St. James.

There are many points of view from which a mere glance at the facts connected with this emigration will exhibit the deep interest with which its progress will be watched by an enlightened American administration.

1. The emigrants undergo an examination by a medical inspector, who accepts only such as are in the vigor of life, free from disease, healthy, well formed, and able. This fact indicates the *physique* of the Chinese emigrants.

2. They are agriculturists, acclimated to the tropics, accustomed to hard labor and exposure, and specially versed in the culture of sugar, cotton, and rice.

3. They belong to a class, which, as connected with the country it is proposed to occupy, may be said to be exhaustless, since there are fifty millions of people in the Liang Kwang alone, and nearly as many in each vice royalty of this empire.

4. The terms for which they engage, and the rate of their wages, with the estimated cost of subsistence and clothing, prove that the experiment is designed to be seriously made, and when made that it must depress the entire planting interest of the United States. The

total cost of the Chinese laborer is estimated at \$80 per annum, which is far below the cost of slave labor, independent of the risk which the planter runs in his original investment. The Chinese lives on rice principally, and that staple will be produced at mere nominal rates in the country to which he is emigrating. He is patient of labor, tractable, obedient as a slave, and frugal. When he shall occupy a leasehold, on which to exert the energy and skill he possesses, he will compel from the earth the maximum production of which it is capable; and under whatever circumstances will create a competition against which it must be difficult to struggle.

5. The geographical position of Demerara gives to a strong British colony there the command of the Amazon valley and the entrance to the Caribbean sea, besides all the trade from the south with the Windward Islands.

I will not elaborate the views which these suggestions develop as occurring to my own mind, but I shall be glad to know whether the President deems any step to prevent the use of American shipping in the furtherance of this emigration proper and politic. It is against the law of China for the citizens to depart the realm, and none do leave, except by the connivance of officials, who corruptly receive bribes to suffer them to pass. If the President should desire to manifest the disinclination of the United States to the progress of this emigration, an order to the American consuls to refuse clearances to any ship under American papers and colors, carrying coolies from China, would at once confine the trade to the shipping of other nations.

The case of the "Robert Bowne" involves one most important principle. It *seems*, from the discussion of that case, that the acting imperial commissioner declined to hear the testimony of six American seamen in a Chinese Yanum, (court,) and notwithstanding the representation of this materiality by the acting chargé of the United States, did refuse to pronounce the guilt of pirates upon their testimony. A partial remedy for this evil may be found in an act investing the commissioner of the United States with judicial powers to hear and determine cases of piracy occurring upon the high seas. The laws now invest him with judicial powers, as a court of last resort, in cases of insurrection and murder, (see act 1848.) * * * Such trial ought to be conducted on board an American man-of-war, and would at once economize means and insure speedy justice. But the proposed jurisdiction does not affect the principle adopted by the Chinese tribunal in cases of piracy committed within the dominions of China.

* * * * *

I am, sir, your most obedient servant,

HUMPHREY MARSHALL.

CIRCULAR.

[Enclosure A.—Extracts.]

MACAO, *March 3, 1853.*

“3. You will oblige me by furnishing as accurate a statement as you can of the Chinese emigration from your port, or its vicinity, distinguishing therein—First, the provinces whence the emigrants come. Second, the nation to which the vessel belonged in which they embarked. Third, their destination. Fourth, whether they emigrated under a contract to labor for a term of years, or as passengers seeking their destination for pleasure, or in pursuit of business on their own account. If under contract, if you can, state the party, and furnish me a form of the agreement. Fifth, the total number emigrating each year since 1849.”

* * * * *

Your obedient servant,

HUMPHREY MARSHALL,
Commissioner United States of America.

To _____,
Consul United States of America, port of _____.

Translation from the Chinese language.

[Enclosure C.]

There being at present a scarcity of labor in the British West India islands for the purposes of planting the sugar cane, and making sugar, cotton, coffee, and other products of that country, it is now desirable that strong healthy Chinese, practised in farming, should go to that country to work.

The climate of that country resembles that of Sinchoufoo—there is no cold there as in China.

The implements of work are very similar to those used in China for the cultivation of the sugar cane, paddy, and rice.

It is true that the distance to that country is very great; but still when everything is prepared for the voyage, it can be performed with ease and comfort by all men; after their arrival at port, and becoming acquainted with that country, every one will be satisfied, in their hearts they will rejoice the same as if they were dwelling in their own towns and villages. The customs and usages of the Chinese will not be interfered with, nor interrupted.

If the workmen who go should desire to send letters to their fathers or mothers, brothers or relations, it can be done twice a month. Should they have any remittances in money to make, they can do so safely either two or three times a year.

It is important that, at the start, they should become parties to an agreement, wherein they will stipulate to work at this country for five years. After arriving at the port, and when the work of one year or one year and a half shall have been done, if they should be desirous of not fulfilling the term of five years, they can then be released from their agreement, and they will be permitted to lease land on which to dwell, as their own masters. In such a case, however, they would be required to pay a small tax, or ground rent, to the proprietor of the land. Moreover, if, before the expiration of one year, the parties to the contract should conclude not to fulfill their articles of agreement, then they will be required to return some of the ship-money, (paid for passage,) as may be fixed upon. All who consent to the agreement will be paid two months' wages in *advance*, and will receive two suits of clothes, one suit of which will be of cotton cloth, two pairs of stockings, two pairs of shoes, one foreign blanket, one hat (rain) and one hat (summer.) These things will be given to the men, and they will not be required to pay for them. But, after the arrival at the port, the two months' wages which have been advanced will be deducted from the wages of succeeding months, at the rate of one dollar per month, until the sum advanced shall have been repaid.

Each workman will be paid, after his arrival, at the rate of *four dollars* a month in advance, and there will be given to him, free of charge, two suits of clothing each year, and medical attendance if requisite. We now proceed to explain and make plain the allowance of food each week: of white rice or of flour, ten and a half pounds; of beef, pork, or salt fish, four pounds; of sugar, one pound; of tea, two and a half taels (about one ounce) in weight. They who wish to furnish their own provisions will be allowed the sum of two dollars per month. There will also be set aside one *morr* of land where they may cultivate their own vegetables. On Sundays, if there is no important work to be done, they will not be required to work, but if at such times it is important that they should work extra pay will be given. Should any person wish to take with him his wife and children free passage will be granted to them, and, in addition to the aforesaid wages, such person will be allowed a small extra pay; and if, on their arrival at the port, the wife and children are able to work, they shall be paid for their services. All those persons who agree to the aforesaid conditions, and break the agreement, whereby injury shall be received, will be judged by the law of that country; therefore it is necessary to understand this agreement and to comply with it. As words are not binding, articles of agreement must be entered into which will stand in proof of the contract. On board of every vessel carrying these workmen there will be an interpreter, who will accompany them to the port, and will remain with them one or two years after their arrival to act as interpreter for them, to explain their wishes, and to explain to them the laws of that land in which they go to live. Finally, all Chinese who wish to go to that port to work may come to *Shekut*, in the great street, and consult face to face.

HEEN FUNG, year moon day, (A. D. 185 .)

[Enclosure D.]

This agreement, made between ———, of the district of ——— province of ———, in China, and the agent acting in behalf of the English colony, ——— comprising the following conditions:

———, of his own free will, engages to go by the ship ——— commanded by Captain ———, to ———. On arrival he will be informed of all the rules and regulations of the place, and the agent or superintendent of the workmen there will provide him with an employer, with whom he will enter into an agreement to work for five years from the date of the arrival of the ship, either in sowing and planting in the capacity of a menial servant, or in weeding, hoeing, or in planting sugar cane, or as a shepherd, or in digging ditches or grounds, building walls and fences and foundations; in short, every description of servile labor. The daily labor required will be comprized between the hour one-half after four and nine, and it is expected that work will be done submissively, diligently, and without needless interruption. Moreover, he will not be permitted to do any work or job secretly for himself, or for any other person, nor will he be allowed, without cause, to leave the work. From the monthly wages as agreed upon there will be deducted one dollar, in order to make up the advance already received, until it shall have been entirely repaid. It is moreover conditioned, that on board the ship which carries him to his destination he will be supplied with food during the whole passage. On arrival the superintendent, or agent, as already expressed, will make choice of and fix the labor suitable to be followed, and which shall be paid for each English month at the rate of four Spanish dollars, and each year there will be given two suits of clothes, comprising two cotton jackets and trowsers, one bamboo hat, one felt hat, one felt coverlet, and in case of falling ill he will be furnished with medicines.

The supply of food will also be abundant. Each seven days there will be furnished to him 10 pounds of rice, $3\frac{1}{2}$ pounds of either beef, pork or fish, 1 pound of sugar, 3 taels of tea; but if ——— should prefer not to take this allowance of food, he will be paid in lieu of it two dollars; he will also be granted a piece of land, which he may cultivate as he likes. On Sundays no work is to be done, except in case of necessity, and the twenty-four cents additional pay will be given. Further, if on arrival ——— should reject his contract and not care to fulfill it, at his own convenience he can have one month's notice in which to make it known, and in such a case he will be required to repay the expense incurred in passage money, cost of sending him to the port for ——— which one year will be allowed him.

Mr. McLane to Mr. Marcy.

[Extract.]

[No. 1.]

HONG KONG, *March 20, 1854.*

SIR:

* * * * *

The emigration from China to California is greatly on the increase. At the beginning of this year there were eight hundred on this island, waiting for a passage to San Francisco, that have since been dispatched. At Canton passenger brokers have contracted for a very large number, to be sent forward at various periods during the present year; this number I am told does not fall short of ten thousand, and will be greatly increased before the end of the year. The impossibility of finding vessels to transport those who wish to go is the only obstacle in the way. All the old ships within reach have been purchased, at enormous prices, to meet existing contracts for transportation of passengers. Australia, to some extent, shares with California this Chinese emigration, but much the larger number have had the latter destination since 1851, when this emigration commenced.

I will hereafter enlarge upon this subject.

* * * * *

I have the honor to remain, with high respect, your obedient servant,

ROBERT M. McLANE.

Hon. W. L. MARCY,

Secretary of State, Washington.

Mr. Parker to Mr. Marcy.

[Extract.]

[No. 1.]

LEGATION OF THE UNITED STATES, HONG KONG,
January 14, 1856.

SIR:

* * * * *

A variety of subjects of public and private interest have already been pressed upon my attention, particularly that of the "Chinese coolie trade," and I have now the honor of transmitting to the department my public notification of the 10th instant, (enclosure B.) which I trust will meet your approbation. Before this reaches you, you will have heard of the case of the American ship "Waverly," in which two hundred and forty Chinese lives were sacrificed in a most inhuman manner. When I came to the investigation of this traffic, had no adequate conception of its enormities, and the strong terms in which I have described it are fully sustained by official documents and the most reliable testimony, (vide correspondence upon the subject of

emigration from China, presented, by command of her Majesty, to the House of Commons, 1853, and House of Lords, 1855.)

* * * * *

I have the honor to remain, sir, very respectfully, your obedient servant,

PETER PARKER.

Hon. W. L. MARCY,
Secretary of State.

Public Notification.

The undersigned, commissioner and minister plenipotentiary of the United States of America to China, in accordance with instructions of his government, in relation to the so called coolie trade, "publicly to discountenance the same on his arrival in China," issues this public notification to all whom it may concern:

Whereas, the history of the traffic in Chinese coolies, as carried on in vessels of the United States and under other flags, during the past few years, is replete with illegalities, immoralities, and revolting and inhuman atrocities, strongly resembling those of the African slave trade in former years, some of them exceeding the horrors of the "middle passage," women and children having been bought for the purpose, and others not merely seduced under false pretences, ignorant of their destination, but some forcibly abducted and violently borne to countries unknown to them, never to return; and not only by the ancient statutes of the Chinese empire, but by recent proclamation, the imperial government has prohibited the same, threatening with death the "brokers, hardened miscreants, who impose upon the people and seduce them to their destruction;" and whereas, the correspondence of the imperial government with this legation has evinced its strong disapproval of the traffic, describing it in terms which place it upon a level with the slave trade itself; and, admitting the trade proper *per se*, it has been carried on in localities where *foreign trade is not permitted by any treaty, and is therefore illegal*; and the foreign name has been rendered odious by this traffic, hundreds and thousands of lives having been inhumanly sacrificed, not perhaps intentionally, but nevertheless they have been sacrificed, and in some instances, in a manner than which nothing more revolting can be conceived, whilst others who have survived have scarcely been more fortunate; and whereas, the amicable relations of the two governments are being jeopardized, and honorable and lawful commerce imperilled, and even the lives of those engaged in the inhuman pursuit have been exposed to the vengeance of those whose relations or friends have been bought, kidnapped, or grossly deceived, in the progress of the coolie trade; the undersigned, therefore, calls upon all citizens of the United States to desist from this irregular and immoral traffic; and makes known to all whom it may concern, the high disapproba-

tion thereof of the government of the United States, and forewarns all who may hereafter engage therein, that they will not only forfeit the protection of their government while so doing, in whatever consequences they may be involved, but, furthermore, render themselves liable to the heavy penalties to which the traffic, if as hitherto in some instances conducted, may expose them.

This notification respects the "coolie trade" in contradistinction to voluntary emigration of Chinese adventurers; between these there exists a wide difference.

Regulations for the business of furnishing Chinese labor to countries that may desire the same, and for affording facilities to Chinese voluntarily disposed to render such service, in providing outfit and passage, and means and freedom of return at their option, may be subject of future treaty stipulation or government arrangement on the part of western nations and China.

The United States consuls will be instructed to convey copies of this notification to the proper Chinese authorities at the five ports.

Given under my hand and seal of office this 10th day of January,
[L. s.] 1856.

PETER PARKER.

No. 30.

Mr. Gillmer to Mr. Marcy.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, February 1, 1856.

SIR: I have the honor to enclose the consular returns for the quarter ending 31st December, 1855, and to acknowledge the receipt of the volume of the "Statutes at Large," commencing with the second session of the thirty-third Congress.

I have now to advise, that a schooner of 122 tons burden, with the name "Mary E. Smith," of New Orleans, painted on her stern, which left the wharf in Boston on the night of the 25th August, 1855, (owned by Vincent D. Cranotich,) in spite of the endeavors of the collector of said port to detain her as a suspicious craft, destined for the slave trade, has completely verified the suspicions then attached to her; she was brought into this port on the 29th ultimo, a prize to the Brazilian brig-of-war "Olinda," with over 370 slaves on board, having been captured at the port of St. Mattheos, in the province of Espirito Santo, to the south of this; from what I can learn at present, it would appear that several attempts had been made to land the slaves at different points on the coast, but, to the credit of the Brazilian authorities and people, were in every instance repelled; the mortality among the slaves on board has been dreadful, and the survivors are represented as little better than moving skeletons.

This affair presents the most horrible and disgraceful feature of any

which ever came under my observation, and it is aggravating to think that a foreign scoundrel, covered with the mantle of an American citizen, should have had it in his power so to disgrace the flag of our country.

At present, I have no further particulars to communicate, but have informed Mr. Trousdale, our minister at Rio de Janeiro, of the facts, for whatever action he may think proper to adopt, or direct me to adopt in the premises.

The president of this province has not yet informed me officially of the case, but no doubt he will do so; in the meantime, I can see no tangible motive for interfering officially, as the vessel was captured within Brazilian jurisdiction, and not on the high seas.

I have honor to be, most respectfully, your obedient servant,

J. S. GILLMER,
Consul.

Hon. WILLIAM L. MARCY, &c., &c., &c.

No. 31.

Mr. Gillmer to Mr. Marcy.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, February 12, 1856.

SIR: Since my communication of 1st instant, copy of which is inclosed, I received a note from Cranotich, the English and spelling hardly to be understood, as follows:

“Mr. GILMORE, *Unoid St. Consul.*

“I been very glad siny to day no hospital of Bahia, my respt. Barbalho prison, Febb. 6, 1856.

“VINCENT D. CRANOTICH,
“*Capp. of Se. Mary E. Smith, New Orleans.*”

Of which I took no notice.

The Africans were landed, and the following appeared in the newspaper, “*Diario da Bahia*,” of 8th instant: (Translation.) “*Captured Africans.*—We are informed, by a competent person, that the mortality has risen to 106, including some who died on the water. The large number of deaths the past few days is not surprising, in consequence of the breaking out of *maculo* and cholera. It is said that the place of deposit chosen for these unhappy people is not good, and probably not one will escape. Seeing that the number of deaths increase daily, many have been sent to the hospital, to die within a few hours, and of those existing, it is believed, few will escape.”

I also see, by another paragraph in the newspaper, that Cranotich is an Austrian by birth, but a naturalized citizen of the United States, and that he served some years since as chief officer in one of the Brazilian steam packets, running along this coast.

The whole affair seems to have originated in Rio de Janeiro, and it is reported that five other vessels have been prepared for this traffic, in a similar manner to the schooner "Mary E. Smith."

The president of this province has not yet seen fit to apprise me officially of the case.

I have the honor to be, most respectfully, your obedient servant,
J. S. GILLMER, *Consul.*

Hon. WILLIAM L. MARCY,

Secretary of State of the United States, Washington.

REPUBLIC OF THE UNITED STATES